DOCUMENT RESUME

ED 218 375 UD 022 299

AUTHOR Diner, Steven J.
TITLE The Governance of Education in the District of Columbia: An Historical Analysis of Current Issues. Studies in D.C. History and Public Policy Paper No. 2.
INSTITUTION District of Columbia Univ., Washington, DC. Dept. of Urban Studies.; District of Columbia Univ., Washington, DC. Inst. for District Affairs.
SPONS AGENCY National Endowment for the Humanities (NFAH), Washington, D.C.
PUB DATE 82
NOTE 81p.; For related documents, see UD 022 298-301.
AVAILABLE FROM University of the District of Columbia, Department of Urban Studies, 4200 Connecticut Avenue, N.W., Washington, DC 20008 ($1.00; make checks payable to UDC Fund/History-Policy Project).

EDRS PRICE MF01/PC04 Plus Postage.
DESCRIPTORS *Board of Education Role; Citizen Participation; Court Litigation; Decentralization; Educational Facilities Design; Educational Quality; Elementary Secondary Education; Equal Education; *Financial Problems; *Governance; *Government Role; *Political Influences; Public Education; Public Opinion; *Social Influences
IDENTIFIERS *District of Columbia Public Schools

ABSTRACT

This report on the governance of public education in Washington, D.C. describes issues and conflicts that have arisen since the 19th century among the agencies which have exercised various forms and degrees of authority and responsibility for education in the District: The Board of School Trustees or Board of Education; the central city government; the Superintendent of Schools after 1869; and the Federal government, especially Congress. The report discusses the issues in the context of social and political developments and changes in the structure of public education through the years. The sources of conflict have included budgetary considerations, the power to appoint officials, the issue of divided authority, and in recent years, the civil rights revolution, school desegregation, and the struggle for home rule. The study suggests that 1) school governance conflicts arise mainly from the system of divided authority; 2) the periods of greatest turmoil in the schools have been those in which the schools have had to confront social changes in the city; 3) school governance struggles have often had harmful effects on the children; and 4) attempts to eliminate current problems by altering the school governance structure should be based on knowledge of the city's historical experience. (Author/MJL)

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THE GOVERNANCE OF EDUCATION IN THE DISTRICT OF COLUMBIA: AN HISTORICAL ANALYSIS OF CURRENT ISSUES

BY

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STUDIES IN D.C. HISTORY AND PUBLIC POLICY
PAPER NO. 2

THE D.C. HISTORY AND PUBLIC POLICY PROJECT

THE D.C. HISTORY AND PUBLIC POLICY PROJECT seeks to provide historical research on critical public policy issues in the District of Columbia in a form useful to policymakers in this city and the general public concerned with policy issues. During the 1981-82 academic year, the project has examined Public Education. In addition to preparing these papers, the project conducts seminars for the Mayor, the City Council, the Superintendent of Schools and the Board of Education based on its research, and also holds a public conference.

The project is an undertaking of the Department of Urban Studies (College of Liberal and Fine Arts) and the Institute for District Affairs of the UNIVERSITY OF THE DISTRICT OF COLUMBIA. It is funded by a grant from the NATIONAL ENDOWMENT FOR THE HUMANITIES.

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MAJOR FINDINGS

The history of the governance of public education in the District has been characterized by conflict and competition among the principal actors among whom authority and responsibility for education have been divided: the Board of School Trustees or Board of Education, the central city government (the Mayor and the Council or the Board of Commissioners), the Superintendent of Schools after 1869, and the federal government, especially the Congress. As early as 1858, the Mayor of Washington vetoed a Council bill that would have established the post of Superintendent of Schools because the bill gave the power to appoint the Superintendent to the school trustees. He asserted that the heads of all executive departments should be appointed by the Mayor. During the 1880s, the Board of Commissioners, which appointed the members of the Board of School Trustees, sought to abolish the Board because of continuing differences with it over the school budget.

In 1900, after the Commissioners dismissed the Superintendent of Schools, Congress gave the Board clearer statutory authority over the schools, and in 1906, after accusations of improper political influence on the schools, placed the power to appoint Board members in the hands of the judges of the court. Conflict continued over budgetary and other issues, and throughout the first half of the twentieth century numerous proposals to increase the power of the Board, eliminate it, elect it popularly, or subordinate it to the Commissioners engaged congressional and public attention. During these years, relations among Board members, and between the Board and the Superintendent were also often strained. Numerous experts criticized the system of divided authority. The heart of the problem was that there was a need on the one hand for centralized administration of all city services and on the other hand for a public education system free from the potential political influence of the central city government.

After World War II, although the conflict fostered by divided authority continued, the civil rights revolution, school desegregation, and the struggle for home rule became the dominant sources of conflict within the school governance system. The appointed Board of Education and the Superintendent came under attack increasingly, and the elected Board replaced it in 1969. At the same time, other changes in the school governance system were made in order to improve student achievement, most notably community control and decentralization.

After the advent of the elected Board of Education, many of the old conflicts resulting from divided authority reemerged, both before and after the start of partial home rule in 1975. The elected Board went through five regular and several acting Superintendents, and fought with the appointed and elected Mayors and Councils for more money and greater autonomy. The role of Congress diminished after home rule, however, and the Board gained greater autonomy than it had ever previously had.

This study suggests that conflict among the key actors in school governance is a natural outgrowth of the system of divided authority, even though it is possible to minimize this conflict. It suggests that the periods of greatest turmoil in the schools have been the periods in which the schools have had to confront social changes in the city, and that proposals to eliminate current problems by tampering with the school governance structure should be made cautiously and only with knowledge of the city's historical experience. The paper argues also that a strong Superintendent has been in the past a prerequisite to a successful educational program, that rarely have struggles over school governance had a positive effect on the children, and that quite often they have been harmful.

ACKNOWLEDGMENTS

The D.C. HISTORY AND PUBLIC POLICY PROJECT gratefully acknowledges the assistance of the following persons, who met with the project staff in its early stages and assisted us in planning the research:

Eugene Kinlow
Charles Mason
Hilda Mason
Floretta D. McKenzie
Patricia Miner
Rolin Sidwell
William Simons

The staff is especially indebted to Dick Hurlbut, who has assisted us in every stage, and has been extremely generous with his time and knowledge.

The writer wishes to thank the following persons who took time to talk with him about the D.C. schools, made sources available, or read drafts of the manuscript:

Cynthia Almeda
Michael Brimmer
William H.O. Brown
Mildred Cooper
Janis Cromer
Roxanna Dean
Hasia Diner
Frances Dowling
Miles Fisher
Father Robert Nagel
Diane Ravitch
Kathryn Ray
Erika Robinson
Kenneth Sparks
Elinor Sennett
Colin F.S. Walters

Finally, I wish to extend special thanks to my research assistant, Anthony Douglas, for his cheerful and efficient help at every stage of the project, and for his friendship.

- S.J.D.

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Local Memory and the Governance of Education

How and by whom should our schools be governed? This question has been hotly debated in the nation's capital in the last two decades. As one Superintendent after another has departed in conflict with the Board of Education, as rhetorical exchanges between the Mayor and the Board have made headlines, and as public impatience with low student achievement has grown, many people have proposed changes in the system of school governance. There have been calls for abolition of the Board of Education, for a Board appointed by the Mayor, for drastic cuts in the budget of the Board and the salaries of its members, for a Board financially independent of the city government, for the appointment of a "state" Board of Regents to oversee the Board of Education, and for the assignment of more authority to neighborhood school boards and councils.

These and similar proposals put forward in recent years reflect a tendency in our city to solve immediate problems by tampering with the structures of governance. Sometimes there is a well informed and reasoned case for such structural changes. More often, however, calls for changes in the structure of school governance in Washington are made without any knowledge of why the form of school government developed as it did, or of previous attempts to solve immediate problems by altering the arrangements for school governance.

This historical amnesia is in no sense limited to the District of Columbia. In many respects, the problems of school governance and the solutions proposed here mirror those in other cities. 1/ The District is unique, however, because of its peculiar form

1/ On the history of public schools in American cities, see David B. Tyack, The One Best System: A History of American Urban Education (Cambridge: Harvard University Press, 1974); Marvin Lazerson, Origins of the Urban School: Public Education in Massachusetts, 1870 1915 (Cambridge: Harvard University Press, 1971); Michael N. Katz, Class, Bureaucracy and Schools: The Illusion of Educational Change in America (New York: Praeger, 1971); and School Reform: Past and Present (Boston: Little Brown, 1971); Stanley K. Schultz, The Culture Factory: Boston Public Schools, 1789 - 1860 (New York: Oxford University Press,

of government and in particular because of the authority of the federal government over local affairs, the absence of a "state" education apparatus separate from that of the city, and because school governance questions have always been tied to the city's quest for self-governance. These unique features of the District's system of governance make an understanding of its history all the more important for those concerned with current proposals for change.

The history of school governance in the District suggests certain things that everyone concerned with current governance issues should know. First, a system of school governance that has divided authority and responsibility among a Board of Education, a city government (Mayor and City Council, Governor and Legislature, or Board of Commissioners), the federal government (both executive officials and Congress) and a Superintendent of Schools has always been plagued by continuous and often virulent struggles among these actors. Secondly, these struggles have occurred most frequently and with greatest force over money matters. Thirdly, dissatisfaction with these arrangements has been nearly continuous throughout the history of the public schools, and serious proposals for reform of the school governance system have constantly come forward. Fourthly, criticism of the city's school governance system and calls for change in it have been most vociferous in periods of social tension and rapid social change, when the schools were thrust into the forefront of public concern. Seldom have changes in school governance been able to alleviate the sources of discomfort in these periods. Finally, the outcomes of governance struggles have rarely improved the quality of education provided to the children, but when governance struggles have caused rapid change in the schools' administrative leadership, the children have suffered. This paper examines these features of Washington's educational history, and suggests their importance for current discussions about our system of school governance.

1973); Lawrence A. Cremin, The Transformation of the School: Progressivism in American Education, 1876 - 1957 (New York: Knopf, 1961); and Diane Ravitch, The Great School Wars, New York City 1805 - 1973: A History of the Public Schools as Battlefields of Social Change (New York: Basic Books, 1974).

Public Schools and Their Governance in Nineteenth Century Washington

Four years after the federal government moved to its new capital city of Washington and only two years after the city received its first charter for local government, Washington's City Council voted to establish a public school. Until the 1840s, the city's public schools served mostly whites too poor to afford other forms of education. In the 1840s the city opened the schools to all white children, and in the 1860s Congress established public schools for blacks. By the 1880s, public education had become one of the basic services provided by the District Government, with responsibility for it shared by the Board of Commissioners, a Board of School Trustees, a Superintendent of Schools, and the federal government.

The framers of the U.S. Constitution allowed for the establishment of a District "not exceeding ten miles square" to serve as the seat of the national government under the "exclusive legislation in all cases whatsoever" of the Congress. In the Residence Act of 1790, Congress specified the general region for the ten mile square and left it to President Washington to fix the exact site. President Washington chose an area ceded by Maryland and Virginia that included all of the land in the present District of Columbia as well as most of what is now Alexandria and Arlington, Virginia, and engaged Pierre L'Enfant to design the new capital city of Washington on a piece of that ten-mile square bounded by the Potomac River, Rock Creek, the Eastern Branch or Anacostia River, and what is now Florida Avenue. 2/

2/ Constance M. Green, Washington: Village and Capital, 1800-1878 (Princeton: Princeton University Press, 1962), pp. 3-12.

Within this district there were already two well established towns that had been electing their own Mayors and Boards of Aldermen for some years — Georgetown, which had been chartered by Maryland, and Alexandria, which had been chartered by Virginia. When the federal government moved to Washington in 1800, Congress did not revoke these charters, and moved quickly to establish a municipal government for Washington City. The first city charter for Washington, enacted in 1802, provided for a Mayor appointed by the President and a two-house Council, one house elected and one appointed by the President. A series of amendments to the charter extended local democracy (which at the time meant election of officials by white male property owners). In 1804, voters gained the right to elect both chambers of the Council and the Council received authority to elect the Mayor in 1812. A new charter passed in 1820 provided for the popular election of the Mayor. 3/ Throughout the capital's first seventy years, Congress extended the authority of local government, but the city government was plagued by grossly inadequate funds for municipal services. (Georgetown continued as a separate city within the District of Columbia, and Alexandria City, along with the rest of the District on the Virginia side of the Potomac River, was retroceded to Virginia in 1846.)

The first city charter authorized the city to provide for "the establishment and superintendence" of schools, and in 1804, the Council voted to establish a school for Washington youth under the direction of a Board of Trustees. The Council empowered this Board to expend funds appropriated by it or donated by citizens for the school, and establish necessary by-laws so long as they did not conflict with the laws passed by the Council. The Board consisted of thirteen members, seven elected by the Council and six by all those who had contributed more than ten dollars to the schools. President

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3/ Ibid., pp. 23-31, 88-89, 162-163; Nelson Rimensnyder, Local Government in the District of Columbia, 1801-1978 (Washington: U.S. House Committee on the District of Columbia, June 1978), pp. 1-16.

Thomas Jefferson won election to the Board, and for its first four years served as its Board President. 4/

In 1816, as the city's population increased, the City Council divided the city into two geographical school districts, each with a separate Board of Trustees — the first instance of decentralization in the history of Washington education. One of the trustee boards was to be selected partly by the Council and partly by the contributors, the other exclusively by the Council. Two years later, the Council discontinued the election of trustees by contributors, taking upon itself exclusive responsibility for selection of Board members. In 1820, as a result of the growing financial problems of the city, the Council forbade the trustees from accepting any pupils except those whose parents were unable to pay for schooling. Now the schools became exclusively pauper schools. 5/ Black children, regardless of ability to pay, still could attend only privately supported schools, however. 6/

4/ Green, Washington: Village and Capital, pp. 42-44; J. Ormand Wilson, "Eighty Years of the Public Schools of Washington 1805-1885," Records of the Columbia Historical Society, Vol. I (1897) pp. 121-125; Harry Oram Hine, "Public Education in the District of Columbia, 1805-1928," in John Clagett Procter, ed., Washington, Past and Present: A History (New York: Lewis Historical Publishing Company, 1930), pp. 417-418; U.S. Bureau of Efficiency, Report on a Survey of the Public Schools of the District of Columbia (Washington: 1928), p. 177.

5/ Green, Village and Capital, pp.76, 91-93; Wilson, "Eighty Years," pp. 7-10; Hine, "Education in the District," pp. 418-422; Bureau of Efficiency, Survey, p. 177.

6/ Letitia W. Brown, Free Negroes in the District of Columbia, 1790-1846 (New York: Oxford University Press, 1972), pp. 59-60, 133; Lillian G. Dabney The History of Schools for Negros in the District of Columbia 1807-1947 (Washington: Catholic University of America Press, 1949), pp 1-22; Williston H. Lofton, "The Development of Public Education for Negroes in Washington, D.C.: A Study of Separate but Equal Accommodations," (PhD dissertation: American University, 1944), pp. 66-99.

Even as Washington's Council was reestablishing its schools exclusively on a pauper basis, reformers in the North were starting a national movement for free, public "common schools" to educate the poor and the well-off alike. Supporters of public schools, like Horace Mann of Massachusetts, argued that pauper schools could never be good schools, and that a free common school helped equalize opportunities for children of different social origins and therefore could become the "balance wheel of the social machinery." 7/ In 1844, the City Council of Washington, influenced by this movement, reorganized the schools into a single system under a thirteen-member Board of Trustees, three selected by the Council from each of the city's four wards, with the Mayor as the President of the Board, ex officio. Those who could afford to paid some tuition until 1848, when the Council made public school free for all white children and levied the first school tax. Also, in 1842 the City Council of Georgetown, which heretofore had simply contributed money to private schools, assumed direct responsibility for those private schools supported by city funds, and created a seven-person board of school guardians elected by the City Council to govern the schools. 8/

By the 1850s public education for white children was accepted as a necessary function of local government in the District, and appropriations for it had increased substantially. Therefore, it is not surprising that schools soon became the object of political disputes between the branches of local government. In 1857, the Washington City Council passed an act providing for a Superintendent of Public Instruction, to be

7/ On the public school movement in the ante-bellum period, see Schultz, Culture Factory; Lawrence A. Cremin, The American Common School: An Historic Conception (New York: Teachers College, Columbia University, 1951); Michael B. Katz, The Irony of Early American School Reform: Educational Innovation in Mid-Nineteenth Century Massachusetts (Cambridge: Harvard University Press, 1968); and Merle Curti, The Social Ideas of American Educators (Patterson, N.J.: Littlefield, Adams, 1959).

8/ Green, Washington: Village and Capital, pp. 161-162; Wilson, "Eighty Years," pp. 3-18; Bureau of Efficiency, Survey, p. 178.

appointed by the school trustees, but the Mayor vetoed the act on the grounds that the Superintendent of Instruction, like other executive officers, should be appointed by the Mayor with the advice and consent of the Council. The next year, however, the Council passed a law which transferred to the Mayor authority to appoint the school trustees, and at the same time greatly enlarging the trustees' powers.

The 1858 law required the trustees to furnish annually to the Council their estimate of the amount of money needed to operate the schools in the following year and to provide the Council with a report on the schools at the end of each year. It empowered them to hire and fire teachers, to select textbooks, and generally to oversee the affairs of the schools. The Board itself was divided into sub-boards, each with responsibility for supervising in detail the schools in different school districts. 9/ Finally, in 1869, the Council passed legislation providing for the appointment by the Mayor of a Superintendent of Schools to oversee the work of the schools under the rules established by the trustees. 10/

Such competition for control over the schools within the Washington city government was mild by comparison with the conflict that developed in the 1860s between the governments of Washington and Georgetown on the one hand, and the federal government on the other. The District was a southern, slave-holding territory, and many local residents sympathized passively or even actively with the Confederacy. As the war progressed, the issue of public education for black people in the District would become a major one.

9/ Green, Washington: Village & Capital, pp. 212-214; Wilson, "Eighty Years," pp. 128-131; Hine, "Education in the District," p. 424; Bureau of Efficiency, Survey, p. 178.

10/ Bureau of Efficiency, Survey, p. 178.

Before the Civil War, Washington's black community was becoming more and more a community of free blacks. Slaves often could work for wages on their own time, and many were able to purchase their own freedom and later the freedom of their relatives. With the public schools closed to them, Washington blacks developed a considerable number of privately supported schools. 11/ In 1862, with the southern states in secession, Congress passed a law mandating that all children in the District, black and white, between the ages of six and fourteen receive three months of education a year. The mandatory education law specified that ten percent of the taxes collected on Negro-owned property be set aside for black schools, under supervision of a Board of Trustees for Colored Schools appointed by the Secretary of the Interior.

Washington and Georgetown simply paid into the fund what they estimated the appropriate sum to be: $265 in 1862 and $410 in 1863 from Washington, nothing in 1862 and $70 in 1863 from Georgetown. These sums fell far below what Congress had expected, and so in 1864 Congress revised the formula. It required the cities to pay to the colored schools a portion of all education funds equal to the proportion of black children in their total school-age populations. The local governments determined to resist the congressional imposition upon them, so despite the new law, Washington paid only $628 in 1864 and 1865 out of a total school fund of $25,000. Washington Mayor Wallach, in a letter to the Secretary of the Interior, complained bitterly that Congress

11/ Dabney, History of Schools for Negroes, pp. 1-99; Constance M. Green, The Secret City: A History of Race Relations in the Nation's Capital (Princeton: Princeton University Press, 1967), pp. 13-54; Lofton, "Development of Public Education for Negroes," pp. 66-99.

had never given any aid to the District's schools, even though it had liberally aided education in the territories through sale of public lands. Eventually, however, Washington and Georgetown reluctantly paid most of the money. 12/

During the war, Congress also established a school system for Washington County, the largely rural area within the District outside of the cities of Georgetown and Washington. An Act of Congress in 1864 created a School Commission, to estabish and govern county schools, consisting of seven persons, each representing one of the school districts in the county. These Commissioners were appointed by the members of the Levy Court, which collected taxes and handled administrative matters in the county. School funds raised by an annual school tax in the county were to be divided between white and colored schools in proportion to the number of children in each group between the ages of six and seventeen. 13/

In 1871, Congress completely overhauled the governmental system of the District, abolishing the separate governments of Washington City and Georgetown City, and placing them, along with the rural county, under a single government for the Territory of the District of Columbia. The President appointed a Governor, boards of public works and health, and an upper house of the Territorial Legislature. District voters elected a lower house of the legislature and a non-voting delegate to Congress. The Territorial Governor assumed responsibility for appointing Superintendents for the three school systems under local government control - the white schools of Washington City and

12/ Green, Washington: Village and Capital, pp. 257-258, 281-282, 304-308; Dabney, History of Schools for Negroes, pp. 111-121; Melvin R. Williams, "Blacks in Washington, D.C., 1860-1970," (PhD Dissertation: Johns Hopkins University, 1975), pp. 104-122; Lois E. Horton, "The Development of Federal Social Policy for Blacks in Washington, D.C. After Emancipation," (PhD Dissertation: Brandeis University, 1977), pp. 120-136.

13/ Bureau of Efficiency, Survey, p. 179.

and Georgetown, and the schools of the County. Since Washington City already had a Superintendent, the Governor simply extended his jurisdiction to the Georgetown schools, and a year later to the schools of Washington County. One Superintendent, then, was responsible simultaneously to the Governor who appointed him and to three different boards responsible for overseeing the three school systems. In addition, black schools for Washington and Georgetown had their own Trustees and Superintendent, all appointed by the Secretary for the Interior, until 1873, when authority to appoint them shifted to the Territorial Governor. 14/

In 1874, Congress abolished the Territorial Government after it had managed to accumulate a massive debt. It was temporarily replaced by a three-person Board of Commissioners, and after four years of study and deliberation Congress made the commission system permanent. Two of the Commissioners were to be civilians, the third an officer of the Army Corps of Engineers. They were to be appointed by the President and confirmed by the Congress, which became the legislative body for the District of Columbia. The 1878 legislation was sweetened somewhat, however, by a provision that Congress would pay half the District's annual budget, the beginning of the current federal payment. Washington had gained some financial relief at the price of complete loss of self-government. 15/

When the Commissioners assumed responsibility for the District in 1874, they quickly replaced the four separate Boards of School Trustees with a single Board of nineteen persons. Eleven of the members came from Washington City, three from Georgetown, and five from the County. Five of the nineteen members had to be

14/ Hine, "Education in the District of Columbia," pp. 431-434; Wilson, "Eighty Years," pp. 151-160.

15/ Green, Washington, Village and Capital, pp. 393-395.

black. The Commissioners retained the two Superintendents, however, one for white schools and one for colored schools. The Organic Act of 1878, which made the Commission form of government permanent, officially transferred the powers previously assigned to the school trustees to the Commissioners themselves along with the authority to name the Superintendents of Schools. It provided, however, for the appointment by the Commissioners of a nineteen-member Board of School Trustees to whom they could delegate authority to run the schools. In 1882, Congress reduced membership of the Board to nine persons, three of whom had to be black. In 1895 Congress expanded it to eleven when it authorized the Commissioners to appoint women to the Board. 16/

Until 1885, the Commissioners allowed the Board of Trustees and the two Superintendents some latitude in running the schools, although they almost always substantially cut the trustees' budget requests. Historian Constance M. Green wrote that "yearly, to the taxpayers' wrath, the commissioners pared the figure the trustees estimated necessary, and yearly Congress, though appropriating more than the Commissioners asked for, voted less than the trustees requested." In 1885, however, the Commissioners, fed up with the annual competition with school trustees they themselves appointed, announced that they were taking over the duties of the school board. Vigorous citizen protest followed, a mass meeting was held in which it was asserted that the change would take from District residents "the last that was left to them of popular government," and Congress debated but never voted on a school reorganization

16/ Ibid., p. 387-388; Bureau of Efficiency, Survey, p. 180.

bill. Somewhat startled by the extent of public outcry, the Commissioners retreated and returned some authority to the trustees. 17/

In 1900, conflict over school governance reemerged. The Commissioners dismissed William B. Powell, who had served as Superintendent of the white schools since 1885, had modernized the curriculum, and had fired many ill-trained teachers who had gained their positions through political appointment. The Senate District Committee investigated school management extensively, held hearings, and concluded that the powers of the Board of Trustees were too vague and too easily assumed by the Commissioners. As a result, Congress reorganized the school system, providing for a seven member Board of Education appointed by the Commissioners for seven year terms, with complete jurisdiction over all administrative matters concerned with the public schools, including specific powers to appoint a single Superintendent for all schools and Assistant Superintendents for the white and colored schools, and power to employ and remove all teachers and other employees of the school system. The black schools thereby lost some of the autonomy they had enjoyed since their establishment in 1862. All expenditures of public funds for the schools were to be made and accounted for under the supervision and control of the Commissioners, however. The Board of Education was required to submit a proposed budget to the Commissioners each year, which the Commissioners had to forward with their recommendations to Congress as part of their overall budget for the District. 18/ The act of 1900 also provided for the payment of Board members at the rate of $10 per meeting, not to exceed $500 a year.

17/ Constance M. Green, Washington: Capital City, 1879-1950 (Princeton: Princeton University Press, 1963), pp. 55-58.

18/ Ibid., p. 58; Bureau of Efficiency, Survey, pp. 180-181; Hine, "Education in the District," pp. 437-438; Robert L. Haycock, "Sixty Years of the Public Schools of the District of Columbia, 1885-1945," Records of the Columbia Historical Society (1946-47), pp. 45-46.

The new paid Board soon came under criticism from many citizen groups and school employees because it tended to involve itself too extensively in the actual management of the schools. Congress again held hearings and although some people advocated a school system completely independent of the Commissioners, Congress rejected that in favor of partial autonomy. In the Organic Act of 1906, Congress moved to assure the Board's independence of the Commissioners by placing responsibility for appointment of the Board in the hands of the judges of the Supreme Court of the District of Columbia, and by elaborating in greater detail the authority of the Board and of the Superintendent of Schools. 19/

Thus, in the forty four years following the passage of the law mandating education for all District children, Washington confronted most of the problems of school governance that have plagued it ever since. The Board of School Trustees had clashed continually with the Commissioners over the financial needs of the schools. The Superintendent of Schools, insufficiently responsive to political demands, was dismissed by the Commissioners. Congress tried in 1900 to insulate the schools from political influence by giving the Board of School Trustees specific statutory power. Six years later, when this proved inadequate, Congress went further and placed the responsibility for appointment of the Board of Education in the hands of the judges instead of the presumably more political hands of the Commissioners. The heart of the school governance problem was this: an independent Board and Superintendent insulated education from political influence, but also limited the capacity of the city's general government to balance all city needs. Since education was not their direct responsibility, the Commissioners had found it especially easy to cut the school budget.

19/ Bureau of Efficiency, Survey, p. 181; Hine, "Education in the District," pp. 437-438; Wilson, "Eighty Years," pp. 45-46.

School Governance under the Court-Appointed Board, 1906 - 1946

The Organic Act of 1906 established a system of school governance that would remain largely unchanged for sixty years. The courts appointed members for three year terms, and incumbent members were eligible for reappointment. Three of the nine members of the the Board had to be women (perhaps the earliest case of Congressionally mandated affirmative action) and a tradition quickly developed that three members (one woman and two men) would be black. Board members had to reside in the District of Columbia for at least five years prior to appointment, and served without compensation.

The Act vested in the Board authority to "determine all questions of general policy relating to the schools," appoint the Superintendent and other "executive officers," and to "direct expenditures." It charged the Superintendent, appointed for a three-year term, with "the direction of and supervision in all matters pertaining to the instruction in all schools under the Board of Education." Furthermore, the Act specified that "No appointment, promotion, transfer or dismissal of any director, supervising principal, principal, teacher, or any other subordinate to the superintendent of schools, shall be made by the Board of Education, except upon the written recommendation of the superintendent of schools." 20/

Congress considered making the schools entirely independent of the Commissioners, as some citizens proposed, by granting the Board of Education taxing power and

20/ Organic Law of 1906, in Compilation of Laws Affecting the Public Schools of the District of Columbia (Washington: Government Printing Office, 1929), pp. 14-15. (In 1936, the responsibility for Board appointments shifted to the District Court of the United States for the District of Columbia.)

fiscal autonomy, but in the end it continued the existing practice of giving the Commissioners financial responsibility for the schools. The Act stated that "all expenditures of public funds for school purposes shall be made and accounted for as now provided for by law under the direction and control of the Commissioners...." The Board was required to submit a detailed estimate to the Commissioners of funds needed for the schools in the following year, and the Commissioners were required to forward this request along with their own recommendation for the school budget to Congress. 21/

That the system lasted sixty-two years, far longer than any previous system of school governance in the District, might lead one to think incorrectly that a broad consensus developed in its favor. It did not, and proposals to change the structure of school governance constantly came forward from school and government officials, citizens, and members of Congress. Although it functioned better in some periods than in others, overall the system frequently produced conflict and demands for change from its key actors: the superintendent, the Board of Education, the commissioners, the Congress and the organized public. As before, a system of divided authority and responsibility, representing a compromise between the need for school system autonomy on the one hand and for centralized administration of city services on the other, worked better in theory than in practice.

In general, the superintendent complained that the Board tended to usurp his administrative prerogatives, and that the Commissioners and Congress did not give him sufficient administrative autonomy and financial support to run the schools adequately. Board members often complained on the one hand that the superintendent did not respect and follow their authority, and that on the other hand they were hamstrung by the financial control of the Commissioners and the Congress. The Commissioners complained that the Board of Education, as a body charged with an executive function,

21/ Ibid. See also, Laurence F. Schmeckebier, The District of Columbia: Its Government and Administration (Baltimore: Johns Hopkins University Press, 1928), pp. 554-633.

should be appointed by and subordinate to them, and disapproved of the Board's efforts to get Congress to increase the appropriations for education beyond what they, the Commissioners, proposed to Congress. And although Congress had final authority over the structure of governance for the District schools, individual members often complained about the practices of the Superintendent and the Board of Education. Parent, citizen and teacher groups, unhappy with this divided authority and with year after year of inadequate appropriations for education, struggled continuously to gain greater autonomy for the school system. 22/

Let us examine, in turn, the major areas of conflict produced by this system of divided authority: 1) conflict between the Board of Education and the Commissioners and between both of these bodies and the advocates of a popularly elected Board of Education; 2) the consequences of Congressional control; 3) the conflict between the Superintendent and the Board of Education; and 4) internal conflict among members of the Board of Education.

The Board of Education versus the Commissioners: Proposals for Change

In the five decades following the enactment of the Organic Act of 1906, public officials and citizen groups constantly put forward proposals for the reform of the

22/ Membership on the Board was drawn from the Washington elites, black and white. Of sixty one members of the Board between the years 1906 and 1937, seventeen were lawyers, fourteen were in business, nine were housewives, and five were public officials. Physicians, clergymen and writers accounted for four each; three educators and one scientist completed the group. A study of the D.C. schools in 1937 noted that "although the persons selected have generally been acceptable, they have not been representative of all groups in the community. See, Lloyd E. Blauch and J. Orin Powers, Public Education in the District of Columbia, Staff Study No. 15, The Advisory Committee on Education (Washington: Government Printing Office, 1938), pp. 50-55.

school governance system and Congress continually considered these proposals. The same proposals came up year after year: appointment of the Board of Education by the Commissioners; appointment of the Board of Education by the President of the United States; financial autonomy and taxing authority for the Board; relegation of the Board to a purely advisory status, with responsibility for administration of the schools placed in the hands of a Superintendent appointed by the Commissioners; and election of the Board of Education. Behind these proposals stood two issues that have never been resolved to everyone's satisfaction. First, how much control should the central city government exercise over schools in the interest of overall administrative and financial efficiency, and how much independence should the schools have to insulate them from political influence? And second, would the needs of the schools be served by appointment or popular election of the Board of Education?

Less than a decade after the passage of the Organic Act of 1906, the Commissioners drafted a bill to place the schools once again under their authority, and a House committee held hearings on the bill. An emerging class of professional administrators in the United States in the early twentieth century advocated a strong city executive, preferably a professional city manager with broad administrative authority over all city functions. Commissioner Louis Brownlow, a pioneer in this progressive city administration movement and later a key figure in the development of the public administration profession, stated the Commissioners' case in an article in 1916:

> All officers, boards or other organizations charged with performance of municipal duties should be subject to the direction and control of the executive head of the District Government.... Take, for instance, the Board of Education. The District commissioners pay out every cent of the money ... and yet have nothing to say about ... the uses to which this money and property shall be put. 23/

23/ Louis Brownlow, "The Commissioners' Side of the Proposed Change in School Administration," The Searchlight (January 15, 1916), p. 1; Herald, December 11, 1914; Star, January 18, February 16, 1916.

The 1916 version of the Commisioners' bill called for abolition of the Board of Education, appointment by the Commissioners of a director of education with sole executive responsibility for the schools responsible to them, and establishment of a new Board of Education with advisory functions only. The House again held hearings on the bill, which was opposed not only by the Board of Education and the Federation of Citizens Associations, but also by the Board of Trade, which represented the city's business interests. Representative James T. Lloyd, a member of the House Committee considering the bill, stated the case against the commissioners' proposal:

> Under the laws existing prior to 1900 it was a common thing for Senators and members of the House to make requests for appointment of teachers. When the District Commissioners had the power in the schools I know of instances where members of Congress made requests for appointments, and when these requests were denied became very offended about it.

During the hearings, Congressman Lloyd suggested that the President of the United States appoint the Board, but after a conference with the Commissioners, President Woodrow Wilson announced that he would not agree to that proposal. The influential Board of Trade submitted its own report to the House Committee opposing the plan, and called for the granting of exclusive authority over expenditures of public school funds to the Board. 24/

The struggle between the Commissioners and the Board went to court the following year. The Commissioners had sought to deny payment to a high school teacher assigned temporarily on the grounds that her assignment by the Board constituted a contract obligation in excess of current appropriations which the

24/ Star, January 20, 1961; U.S. House Committee on the District of Columbia, Hearings on H.R. 7569, January 19, 20, 1916, pp. 123-127; Helen E. Samuel and Chester W. Holmes, "Recent History of the School Board," Journal of the Education Association of the District of Columbia 4, 3 (June, 1935), pp. 14-15.

Commissioners, and therefore the Board, were prohibited from doing. District Court of Appeals Justice Van Orsdel found that the Commissioners had acted improperly, and that the Board was an independent agency with broad powers and "not bound by the law restricting the Commissioners on contract obligations." 25/

If the movement for administrative efficiency inspired the Commissioners to seek control of the schools, the deterioration of the schools during World War I inspired many citizens to seek an elected school board. Appropriations for education had never been adequate, but during the war, Congress, beset by bigger problems, cut them substantially. The effect was most severe, according to historian Constance M. Green, on the white schools, which gained large numbers of additional students while black enrollments declined slightly. (The exact opposite would occur during World War II.) Indeed, Green concluded that "A parental rebellion probably explains why 1919 had found over 18 percent of Washington's school population entered in parochial and other private schools," as opposed to ten percent a decade earlier. 26/

Immediately after the war, a Citizens' Joint Committee for an Elective School Board drafted an elective school board bill and began to lobby for it. For many years the movement's leader was Ray Claflin, chairman of the Education Committee of the Board of Trade. In the next decade, seventy different organizations joined the movement, including such diverse groups as the Federation of Citizens Associations, the Central Labor Union, the American Legion and the Washington Teachers Union. But on the Hill, other proposals received more attention. In 1920, Mississippi Senator Pat Harrison chaired a Senate Select Committee which approved a bill to have the

25/ Star, November 13, 1917.

26/ Green, Washington: Capital City, p. 342.

President appoint the members of the Board. Harrison was seeking to punish the current Board, which had just fired the Superintendent of Schools despite Harrison's support for him. 27/

In the early 1920s, the debate over school governance shifted to a special joint Senate-House committee headed by Senator Arthur Capper of Kansas. In July 1921, Senator Capper's committee issued a report claiming strong local support for the appointment of the Board of Education by the executive branch and urged that the power be returned to the Commissioners. Capper's plan won endorsement from the new Superintendent of Schools, Frank Ballou.

Capper's committee examined the issue in considerable detail over the next two years, and it received testimony on it from the United States Commissioner of Education, John J. Tigert, and a report on it from the Pennsylvania Commissioner of Education, Thomas E. Finegan. Tigert called for an elected Board:

> In most cities they have a school board that is elected by the people and is responsible to the people, and they have a superintendent whom they allow practically to run the schools. He is made the administrative head and they hold him responsible ... But here the superintendent is so fettered up with overhead organizations that he is practically impotent.

Finegan, on the other hand, called for a Presidentially-appointed Board, but agreed with Tigert that the Board should have complete control of the schools.

Senator Capper, strongly influenced by Finegan's report, changed his position and in the report of his committee to the Senate called for the appointment of a Board by the

27/ William G. Handorf, "An Historical Study of the Superintendency of Dr. Frank W. Ballou in the Public School System of the District of Columbia," 1920-1943 (DEd Dissertation: American University, 1962), p. 24-26.

President, with financial independence from the Commissioners and full authority to manage the school facilities. 28/ The Commissioners, however, continued to win support for their position. They had a rider attached to a bill in 1924 reforming teacher salaries which would have returned the power to appoint the Board to the Commissioners. 29/

In March of 1923, the District's Corporation Counsel issued a report on the Board of Education indicating that "it is a creature of the District government, subject to the control of the District Commissioners." The Corporation Counsel had become involved in the issue after the Commissioners refused to approve expenditure of $330 authorized by the Board for purchase of "cosmetics and beauty culture paraphernalia for the O Street colored vocational school." The Board immediately announced that it would seek congressional legislation giving it fiscal autonomy. 30/

Between 1926 and 1936, congressional attention centered on the plans for an elected school board, embodied in bills submitted by Congressman Allard H. Gasque of South Carolina and Senator Arthur Capper of Kansas, who had again changed his position. Although it had broad community support, Superintendent Ballou opposed it in Congressional hearings. The Gasque bill was reported out of committee during the Sixty-ninth Congress, but never reached a floor vote. During the Seventieth Congress it lay dormant pending the outcome of a study of the schools by the U.S. Bureau of Efficiency. It was introduced again in the Seventy-first and Seventy-second Congresses,

28/ Hine, "Public Education in the District," pp. 438-440; Samuel and Holmes, "Recent History of the School Board," p. 15; U.S. Congress Joint Committee on the District of Columbia, Report of the Subcommittee to the Committees of the Senate and the House on the District of Columbia, February 26, 1923 (Washington: Government Printing Office, 1923); and Star, February 15, 1923.

29/ Star, January 9, 1924.

30/ Post, March 18, 1923.

and hearings were held in the spring of 1930 and again in 1932. In 1933, the National Congress of Parents and Teachers voted to endorse the bill for an elected Board in the District and Senator Capper reintroduced it in 1933. 31/

Meanwhile, the Bureau of Efficiency report, submitted in 1928, called for appointment of the Board by the President, but concluded that otherwise "nothing would be accomplished by a change in the relationship that now exists between the Commissioners of the District of Columbia and the Board of Education." 32/ In that same year, the President of the Board of Education declared that the schools should be run either by the Board or by the Commissioners, and that changes in the law were needed to eliminate the conflict between them. "If the people want the Board of Education to control the schools," he said, "the Board will seek authority to submit school budget estimates directly to the Bureau of the Budget." This proposal for a Board independent of the Commissioners came before the Federation of Citizens Associations the next year. Twenty-one member organizations voted in favor and only four against. 33/

In the mid-1930s, Congress once again took up the matter of school governance in the District. The "Prettyman Bill" of 1935 and the "Blanton Amendment" of 1936 would have given the Commissioners authority to appoint the Board and veto its decisions. In the course of debate, five Board members including the Board president announced they would resign if the Prettyman bill passed. Congress held hearings on

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31/ Handorf, "Ballou," pp. 36-37; U.S. House Committee on the District of Columbia, Public School Education in the District of Columbia. Hearings Before Subcommittee on HR 1413, 10470, 10656, 12158 and 12714. (Washington: Government Printing Office, 1930); "Report of the Legislative Chairman," District Teacher 2, 4 (June 1932), p. 36; Star, February 15, 1931, April 30, 1932, September 22, 1933, January 15, 1935.

32/ U.S. Bureau of Efficiency, Report on Survey of the Public School System of the District of Columbia. (GPO, 1928).

33/ Star, October 16, 1928 and April 11, 1929.

this proposal, which received extensive publicity in the press, but it did not reach a floor vote in either chamber. 34/

The Prettyman bill evoked a special protest from the black community. Board member Charles Houston, a prominent black attorney who as dean of Howard University Law School would later train a generation of leading civil rights lawyers, spoke forcefully against the Prettyman bill at a meeting of the Board in 1935. Houston argued that black people could only lose by the proposed reorganization of school governance since the Commissioners were entirely unsympathetic to the concerns of black people:

> Colored Citizens are opposed to the bill because fundamentally they do not believe they will receive the same consideration and recognition from the Commissioners which they now receive under the administration of the Board of Education. I call attention to the fact that under the existing set-up, colored citizens have proportionate representation on the Board of Education, and the colored schools, school officers and school problems receive thoughtful attention from the Board and all school officials.
>
> But the record of the Board of Commissioners is different. T ere is not a single colored citizen in a position of major responsibility under the direct control of the Commissioners of the District of Columbia ....
>
> Personally, I am opposed to segregation because a minority group never has full equality of opportunity under a segregated system. But our Washington school system as now set up represents the nearest approach to equality of opportunity which this Country has seen and serves as a model for segregated systems the country over.

34/ Handorf, "Ballou," p. 39; Moylin Moon Sams, "Report of the Legislative Committee," Bulletin of the High School Teachers Association of the District of Columbia, 27 (June, 1935), pp. 6-7; "Editorial Comment: Whither the District?," The District Teacher, 5, 3 (April 1935), pp. 18-19; Star, May 18, 1936; Star, January 7, 1935.

Houston served notice to the city that "any attempt to transfer ultimate control of the colored schools in the Disttrict of Columbia to an indifferent, unsympathetic Board of Commissioners will meet with a storm of protest from colored citizens throughout the country." A week later, a wide spectrum of black leaders addressed a mass meeting called to protest the proposed change in the school governance system. Among these were Belford V. Lawson of the New Negro Alliance, and Virginia McGuire and Archibald S. Pinkett of the NAACP. 35/

The staff of President Franklin D. Roosevelt's Advisory Committee on Education examined the issue of school governance in the District in 1938. Appointment of the Board by the Commissioners, its report argued, "would tend to promote close relations with the Federal Government rather than to emphasize local autonomy in the management of the public schools." Appointment by the President "would tend to identify education in the District as a federal function" and presented the danger that "membership on the Board might easily become a political prize ...." An elected school board "would probably be advisable" if Congress gave the city an elective council, but until that is done, the report argued, "it would appear unnecessary and inadvisable." Therefore, the staff report concluded that "Although the method now employed for selecting the members of the Board of Education is far from ideal and has been found unsatisfactory in other cities, it seems unlikely that any other plan would produce better results under the peculiar conditons in the District of Columbia." 36/

In that same year, the Commissioners managed to get a rider attached to an appropriations bill giving them the power to hire, fire and control school engineers and

35/ Washington Tribune, January 12, 19, 1935.

36 Blauch Powers, Public Education in the District, pp. 53-55.

custodial employees. The Board vigorously opposed this, and the rider was removed. The following year, 1939, a major study of the District government prepared by the firm of Griffenhagen and Associates called for the reorganization of the entire District government under a City Manager. The study proposed establishment of a city Personnel Department, with responsibility for hiring and supervising all District employees including teachers and other school system workers, a Department of Public Works with responsibility for operating all school buildings, and appointment of the Superintendent of Schools by the City Manager to whom he would report. The Board of Education would be limited to an advisory role only. A sub-committee of the House District committee held extensive hearings on the proposals, at which members of the Board of Education and representatives of parent and teacher groups vigorously objected to the education governance proposals of the Griffenhagen plan. 37/

The Schools versus Congress

The constant battle between the Board and the Commissioners over their respective roles in school governance obscured the more basic problem — the active involvement of the Congress in the local schools of the District. Congress determined school appropriations, and legislated for the schools in a variety of ways. Numerous observers and experts in municipal government commented over the years on the detrimental influence of Congress.

In 1907, an analysis of "Education in the District of Columbia" in a leading education journal complained that "The Congress is attempting to control, by inadequate bureau methods and resources, a really great enterprise":

> No one knows who owns, or who can legally control school buildings; but any of the following official persons can tie up proposed expenditures; viz., the Property Clerk of the District, the Board itself, the President

37/ Griffenhagen and Associates, Ltd., The Organization of Government for the District of Columbia: Suggestions for Simplification and Modernization in the Administrative Structure (Washington: Government Printing Office, 1939); Post, February 4, 1938, February 16, March 3, 30, 1939; Times Herald, February 16, 1939; Star, January 21, February 16, 19, 21, 25, March 4, 29, May 4, 1939.

> or the Secretary of the Board, the District Commissioners, the Auditor of the District, the Auditor of the Treasury, the Comptroller of the Treasury, the Secretary of the Treasury, and the Chairman of the four subcommittees of Congress on the District legislation and on appropriations, either House, and the President. Thus, authority and responsibility are lost in endless red tape. It is a quicksand, not even an open sea. One can neither build in it, nor row a boat; without aid, one must drown.
>
> This partly explains why school conditions here are among the worst in all the cities of America, while at the same time the teachers are among the very best....
>
> Certain other matters are of importance. These are the schools of the Nation, because this is the political center, because the Nation pays half the bills, because the Government employees from all the States bring their children here, and because the Congress is the real School Board as it is the real Legislature.... The Congress sets aside one session every fortnight for all District business; yet attempts to fix every detail." 38/

U.S. Commissioner of Education John Tigert pointed to these same problems in testimony before a joint Congressional committee in 1922. Because the Superintendent was "so fettered here with overhead organizations," said Tigert, no Superintendent had ever been or ever would be able to keep up with educational progress in other cities. "I would not take the job at two or three times the salary," he concluded. 39/

Frank Ballou, the Boston educator who assumed the Superintendency in 1920 and retired in 1943 (the longest tenure of a Superintendent in Washington history) quickly came to recognize the problems inherent in Washington's system of school governance. He wrote a detailed analysis of the administrative problems of the Washington schools for the 1922 Annual Report of the Board. In this analysis entitled "Why Educational

38/ "Education in the District of Columbia," Educational Review, 33, 2 (February 1907), pp. 114-115.

39/ Testimony before Joint Committee, January 27, 1922; see also, Hines "Public Education in the District of Columbia," pp. 438-439; Green, Washington: Capital City, p. 346.

Progress in Washington is So Slow," Ballou described the "legislative strait-jacket" created by the Act of 1906. As an example, he cited the bizarre story of the schools' attempts to purchase pens for handwriting classes. By law, before the District purchasing officer could request bids, the District general supply committee had to detemine whether the government had a surplus of the items sought. The Brooklyn Navy Yard reported a surplus of pens, and the request for the pens therefore had to go to Brooklyn. When at last they arrived, the shipment contained only stub pens, which were useless for penmanship lessons. 40/

These problems of school administration and governance were reiterated in an article on the District schools published in 1926 in the Cyclopedia of Education. The article explained why the superintendency of schools of Washington is "generally regarded as one of the most difficult and most undesirable positions in the United States":

> The term "Board of Education" is a misnomer, for the Board is without power, and is little more than a board of school visitors. Courts and commissioners may review its decisions; Treasury officials revise its estimates; and the board has not authority to make a single purchase.... Progress under this plan is relatively slow, and the facility with which Congress can reconstruct the school system, as a part of the annual appropriaton bill, makes interference easy and a continuous policy almost an impossibility....
>
> The confusion existing is hardly credible. Authority and responsibility are hopelessly tied up with red tape.... An attempt is made to manage a large city school system by small-town methods, and the result is disastrous. Educational conditions in Washington, from an administrative point of view, are among the worst to be found in any city in the

40/ Frank Ballou, "Why Educational Progess in Washington Is So Slow," in Report of the Board of Education of the District of Columbia, 1922, pp. 136-137

> Union.... Until Congress can be made to realize that it is incompetent properly to administer such an undertaking and will give to the Board of Education the power and control which should belong to it there is little hope of a good modern school system for the District of Columbia. 41/

The survey of Washington's schools made by the Bureau of Efficiency upon request of the Senate District Appropriations Committee called for only minor changes in school governance, but the staff report of President Roosevelt's Advisory Committee on Education a decade later was sharply critical of Congressional control over the schools. Arguing that "Congressional legislation on details of policy is not justified by sound principles of government and administration," the report asserted that "legislation by Congress on minor details tends to interfere in matters that are properly subjects for administrative decisions."

> The legislation for public education in the District of Columbia needs to be thoroughly overhauled. Congress should enact a comprehensive code for the public school system, delegating to the school officials broad powers and ample authority to maintain and develop a system of public education that is adequate to the needs of the Capital City. The need for such a code is so urgent that legislation to meet it should be placed first on any program of educational reform for the District.... 42/

The Superintendent versus the Board of Education

Within this diffuse structure of authority over the schools the Superintendent had to function. Although some Superintendents proved more sucessful than others, conflicts between the Superintendent and the Board were common. Superintendent William E. Chancellor, who served in 1906 and 1907, clashed almost immediately with the Board over policy issues, and eventually the Board aired charges against him and removed him from office. Ernest Thurston served two terms between 1914 and 1920,

41/ "District of Columbia," in Paul Monroe, ed., Cyclopedia of Education (New York: Macmillan, 1926), Vol. I, pp. 344-345.

42/ Blauch & Powers, Education in the District, pp. 29-30.

but his contract was not renewed because of disagreements on educational policy between him and several Board members. 43/

Superintendent Ballou followed Thurston, and almost at the same time that he took office the Board elected a new president, Rabbi Abram Simon. Simon, in his acceptance statement, pleaded with the Board to put aside its tendency to harass the Superintendent, and to unite behind Ballou. Simon announced that "whatever in the nature of things belongs to the department of the Superintendent ... must first receive their considerations before it will win any encouragement at the hands of the Board. 44/

Ballou proved to be a skilled politican, managing to maintain a working relationship with members of Congress, the Commissioners and a majority of the Board for his entire twenty-three years as Superintendent. But his relationship with the Board was by no means always smooth and peaceful. Early in his superintendency, he expressed opposition to the existence of standing committees of the Board, and indeed until 1923 the Board abolished them and operated instead with a system of special committees set up for particular tasks. According to his biographer, Ballou "was chagrined and stubbornly resistive to the encroachment on his role as educational adminstrator of the public schools" when the special committees were reestablished in 1923. 45/

Although the Board continuously and fervently opposed the Commissioners' plans to subordinate the Board to their authority, Ballou publicly supported appointment of the Board by the Commissioners, and testified to that effect in 1921 before the joint

43/ Haycock, "Sixty Years," pp. 56-64.

44/ Washington Times, August 19, 1920; see also, Handorf, "Ballou," p. 24.

45/ Handorf, "Ballou," pp. 31-32.

Congressional committee on the schools. 46/ Ballou's determination to keep the Board out of school management won him the enmity of some Board members. In 1924, for example, one member attacked Ballou for releasing his annual report to the press before the Board had an opportunity to see it. 47/

A Board member who served from 1921 to 1924 later recalled that "time and time again he would admonish the Board if they failed to concur in his educational recommendations," and indicated that because of her disagreements with the Superintendent she was not reappointed to the Board. Another Board member, Captain Julius Peyser, accused Ballou of controlling the Board and supported election of the Board as a remedy for the excessive authority of the Superintendent. Testifying in favor of the Gasque bill for an elected Board in 1926, Peyser stated that even after the standing committees of the Board were reestablished, they "did not amount to very much because their reports were written by officials." 48/

Other prominent citizens supported these accusations against Ballou. In 1930, a representative of the Federation of Citizens' Associations, testifying in support of an elective Board, stated that "it is a matter of record that the Supreme Court has denied the appointment of a well-recommended member on the ground that they had not

46/ Star, October 24, 1921.

47/ Star, January , 1924.

48/ Handorf, "Ballou," pp. 34-35; U.S. House Committee on the District of Columbia, Election of the Board of Education of the District of Columbia: Hearings on HR 58 (Washington: Government Printing Office, 1926), pp. 25-26.

obtained the O.K. of the Superintendent of Schools" and insisted that the city had a "Superintendent-selected and Superintendent-controlled Board." At a stormy Board meeting in 1941, one prominent member criticized his colleagues for a policy of "rubber-stamping" Superintendent Ballou's recommendations for appointments. 49/

Conflict within the Board of Education

If some members of the Board had trouble working with the Superintendent, many members also had trouble working peacefully with each other. Although there were periods of relative calm, the Board often functioned in an acrimonious manner. When Simon assumed the Board presidency, he called upon the other members to adopt a "policy of reconstruction based upon reconciliation. ... No one is a friend of the school who glories now in his former hostility," he told his colleagues. "The best way to bury our grievances is not to rehearse them." 50/

Simon's "reconciliation" lasted only a few years. By 1924, the Board was again factionalized. In July of that year, Captain Peyser accused another Board member, Julius Lloyd, of disloyalty to the schools because Lloyd had allegedly gone to President Calvin Coolidge and sought reappointment of two of the city's Commissioners even though those Commissioners had sought to make major changes in a teacher salary bill proposed by the Board. The following year, Peyser accused Lloyd, by then Board President, of using his position to advance his own business interests. 51/ By 1929, the

49/ U.S. House Committee on the District of Columbia, Public School Education in the District of Columbia: Hearings on HR 1413, et al. (Washington: Government Printing Office, 1930), p. 10; Post, December 4, 1941. See also, Handorf, "Ballou," p. 38.

50/ Washington Times, August 19, 1920.

51/ Star, July 13, 1924, January 8, 1925.

in-fighting on the Board had gotten so bad that Senator Arthur Capper, widely regarded as a friend of the District schools, admonished Board members to stop fighting amongst themselves:

> The effect of this bickering and quarreling among the people who should speak for the public schools here is only to make it more difficult to obtain favorable action by Congress in the proposed program for the betterment of the schools. It is important that the people of Washington who are patrons of the schools and those who represent them should present a united front.... These personal antagonisms voiced at the meetings of the board of education can only have a bad effect on Congress. 52/

World War II put a temporary halt to the perpetual battles between the Board of Education, the Commissioners, and the Superintendent of Schools, as all parties set themselves to the task of mobilizing all resources for the wartime emergency. Superintendent Ballou retired during the war after twenty-three years of service, and was succeeded for a single three-year term by his long-time assistant, Robert L. Haycock, who himself retired in 1946. After a nation-wide search, the Board appointed Hobart Corning to the superintendency. Corning, who would serve for twelve years, still had to confront all of the difficult problems of school governance that had characterized the system of divided authority for decades: conflict between the Commissioners and the Board of Education, heavy handed Congressional control over the schools, internal struggles within the Board, and conflicts between the Board and the Superintendent over their respective prerogatives. However, Corning and his successor, Carl F. Hansen, would confront the added pressures of profound social and political changes in the District, changes which eventually brought down the appointed Board of Education.

52/ Star, September 27, 1929.

The Court-Appointed Board and the Civil Rights Revolution, 1946-1968

By the time Corning assumed office, the schools of the District and the city's system for governing them were being transformed by three developments. By 1950, a black student majority emerged in the school system and by 1960, a black majority in the city. The rise of the modern civil rights movement at the same time demanded first an end of segregation and then increased black political power in this predominantly black city. Finally a movement for home rule emerged in the District and became increasingly militant. In the face of these changes, the system of school governance which had remained essentially unchanged since the Organic Act of 1906 became less and less suited to the demands upon it.

Continuing Conflicts of Divided Authority

To be sure, the old complaints about divided authority continued, especially in the earlier part of the period. The 1949 massive survey of the District schools conducted by Columbia University Professor George F. Strayer criticized the Board of Education for being unwilling to grant the Superintendent final administrative authority "even in the most limited degree," and admonished it for spending its time on the most tedious and trivial details of day-to-day operation. The Strayer report likewise asserted that "in no other large city system" are administrators "as subject to laws, policies, regulations, opinions, and intricate legal structures." 53/ As if to illustrate the findings of the Strayer report, only a few months after its publication the Superintendent and the Board President got into a major dispute over the authority of

53/ The Report of a Survey of the Public Schools of the District of Columbia (Washington: Government Printing Office, 1949), pp. 6-21, 121.

the Superintendent to withhold unauthorized publications from school libraries. The following year the Board rejected Corning's nominee for the principalship of the new Sousa Junior High School, an act which the Star, in an editorial, denounced as "interference" resulting from "personal differences rather than any questions of policy." By the next year, 1951, disagreement over Corning's administrative style and personality had factionalized the Board so badly that one member suggested in a letter to the editor of the Post that the entire Board resign, a suggestion promptly rejected by the key protagonist. One Board member urged his colleagues to put "students' interests above the desire for newspaper publicity and their personal dislikes." A few months later, the Board, in another slap at the Superintendent, refused to accept his nomination for the post of First Assistant Superintendent for the black divisions. 54/ Later that year, a Star editorial described the Board's behavior as "characteristic of its pettifogging policy of obstructing the Superintendent by its weighty preoccupation with administrative detail." 55/

Things got worse. The Board the next year reappointed Corning by a six to three vote, and later that year considered but rejected a proposal to establish a "Watchdog Committee" to oversee the Superintendent's work. As late as January 1955, Corning was reelected to his fourth term by a split vote of six to two with one member not voting. 56/

54/ Star, December 18, 1949, January 21, 1950; Post, May 27, 1951; Record Herald, July 11, 1951.

55/ Star, October 19, 1951.

56/ Star, January 13, September 30, 1952; Post, January 20, 1955.

The tendency inherent in the structure of divided school governance in the District toward intra-Board factionalism, Board-Superintendent conflict, and conflicts between the Board, the Superintendent and Congress, was greatly exacerbated after World War II by the struggle for desegregation and civil rights. In the last two decades of the Court-appointed Board, an ideological struggle over the education of black children infused the struggles over the schools with a new fervor.

Racial Issues in School Governance

Beginning with the March on Washington movement of 1940 and the establishment of President Franklin D. Roosevelt's Fair Employment Practices Committee in 1941, the modern civil rights movement moved ahead steadily in its fight against racial segregation. In the post-war decade, numerous cracks in the structure of rigid racial separation appeared in the nation's capital, but the school system would not permit a single breach in its segregationist practices. The growing opposition to segregation confronted the Board with the most profoundly divisive issue since Congress mandated schooling for blacks in the District in 1862, at the very moment that the city's demographic trends placed the black schools in an immediate crisis that the Board could not entirely ignore.

White enrollment in the public schools had peaked at 59,500 in 1935, and declined in the next decade by 10,000 students. In the nine years before school desegregation the system lost an additional 2,700 white students. Black enrollment, on the other hand, grew by about 4,200 students in the ten years after 1935, and by 21,000 students in the nine years before school desegregation. That means that in 1935, there were about 33,500 students in Washington's black schools; by 1953 there were 58,900. A system that had never received adequate appropriations for staff or new construction, and one in which new construction had virtually halted during the war, went from a

combined total enrollment of 93,000 in 1935 to 104,000 in 1953. [57/] Since the black school population was increasing rapidly while the white was declining, the only way to meet the needs of black children within the policy of "separate but equal" was to transfer schools from the white to the black system.

In the post-war decade, although civil rights groups were challenging segregation on principle, they were also challenging the blatant inequality of the black schools. By 1947, the annual per pupil expenditure for black children was $120.52 as compared with $160.21 for white. The white junior high schools had 1,851 empty seats, the black schools had an overenrollment of 2,234, and there was a similar disparity in the senior high schools. Classes in the white elementary schools averaged 34.5 pupils to a teacher, compared with 38.8 in the black schools.

In the post-war decade, several court cases, protests and appeals to the Board demanded that black children in overcrowded neighborhood schools be permitted to enroll in underused white schools. The Board responded to these demands by transferring schools from the white to the black system, and when funds permitted, by hiring additional black teachers. School transfer proposals were always acrimonious, combining all of the emotion and anger that parents show today over proposals for school closings with deep-seated racial antagonisms. Between the start of World War II and 1954, the Board transferred thirty buildings. From 1950 to 1954 alone, nine elementary schools, two junior highs and one senior high were transferred. When the Supreme Court handed down its decision in the case of Bolling v. Sharpe, outlawing dual schools, the Board had before it proposals to transfer an additional six elementary schools and McKinley High School. Yet none of this was sufficient, and the pressure on the Board remained. [58/]

57/ Martha S. Swaim, "Desegregation in the District of Columbia Public Schools," (M.A. thesis: Howard University, 1971), p. 156.
58/ Ibid., pp. 22-27.

The Board showed no inclination to address the issue of desegregation as a solution to the problems of overcrowding in the black schools. Even the black membership on the Board was divided on the integration issue. In 1944, for example, the NAACP called for the resignation of John J. Wilson, a black Board member. The demand was sparked by a testimonial dinner in honor of retired school superintendent Frank Ballou, to which no representatives of the black schools had been invited. The NAACP criticized the Board of Trade, sponsor of the dinner, for failing to invite blacks, but Wilson disagreed and said that there should be separation of social and official contacts between the races. Wilson won reappointment to the Board several times. In 1949, Woody Taylor, education reporter for the Washington Afro-American, described him as a person who "can never be counted on to help our cause.... Nine times out of ten he votes with the six whites on racial issues," Taylor asserted. 59/

On the other hand, if black Board members spoke too assertively about the needs of their schools or in favor of integration, they could find themselves off the Board. In 1949, George E.C. Hayes failed to win reappointment to the Board, a fact many people attributed to his outspoken opposition to segregation. An editorial in the Afro called the action of the judges "a compliment to Mr. Hayes's integrity and uncompromising interest in the welfare of his race," and complained that Hayes's successor was relatively unknown in black civic circles. 60/

A similar fate befell Dr. Margaret Just Butcher, Howard University professor and a militant opponent of segregation, appointed to the Board in 1953. Butcher immediately spoke against the dual school system, and after the Supreme Court ordered

59/ Washington Daily News, January 6, 1944, September 10, 1949.

60/ Washington Afro-American, July 2, 1949.

desegregation she sharply criticized School Superintendent Hobart Corning for slowness in implementing the court order. Her militant tone sparked intense anger from segregationist groups, who circulated a petition asking for judges to remove her from office. When Butcher came up for reappointment in 1956, a thousand people attended a rally in her support, and over 12,000 signed a petition on her behalf. To no avail: Butcher failed to win reappointment. 61/

The only thing the Board agreed to do about segregation before May 14, 1954 was to instruct the Superintendent in 1952 to study the possibility of desegregation, a report that the Board did not receive before the 1954 Court decision. A study of desegregation in Washington's schools concluded that the Board "spent most of its time on administrative matters, such as school transfers rather than on policy questions," and pointed out that "during the entire year before desegregation of the schools, the Board never discussed desegregation in any aspect, nor instructed the Superintendent to produce any material on desegregation showing its consequences for budget, curriculum and overcrowding." 62/ Still, in the wake of the Supreme Court decision and a statement by President Eisenhower that he hoped school desegregation in Washington would provide a model for the country, the Board voted within eight days to desegregate the schools, leaving to the Superintendent the job of preparing a detailed plan.

White enrollment in the schools declined by ten percent in the first year of desegregation, and by smaller percentages each successive year, so that, with black enrollment rising, black children accounted for over seventy percent of the public

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61/ Post, November 7, 1954, February 21, 1956; Daily News, Novermber 8, 1954.

62/ Swaim, "Desegration in D.C. Schools," pp. 140-141.

school enrollment in Washington's desegregated schools by 1960. Concern with making desegregation work absorbed community attention in the late 1950s, but by the 1960s many black leaders were raising hard questions about the quality of education provided to black children in the schools.

In 1958, Corning retired, and the Board appointed Carl F. Hansen to the superintendency. Hansen, Associate Superintendent under Corning, had been the leading advocate of desegregation within the school system before 1954 and a major national publicist of what he called the city's "miracle of social adjustment" in the wake of the court order. To address the problems created by desegregation and the changing racial composition of the student body, Hansen developed and implemented a curriculum, first for the high schools and later for the elementary schools, based upon homogeneous grouping of students into different "tracks" commensurate with their abilities as measured by standardized tests. 63/

Hansen, like Frank Ballou, was a skilled politician and a very strong Superintendent who jealously guarded his prerogatives from encroachment by the Board. Under different circumstances he might well have equalled or exceeded Ballou's twenty three years in office, but as the 1960s progressed, Hansen found himself increasingly on the defensive. Many people rightly attacked his tracking system, and especially the lowest "basic track," as ineffective for low income black children.

The Board of Education, still appointed by the judges, seemed unable to address the burning educational issues of the day. In 1961 a black person, Wesley Williams, became Board president. The following year, the judges departed from tradition and

63/ Carl F. Hansen, The Amidon Elementary School: A Successful Demonstration in Basic Education (Englewood Cliffs: Prentice Hall, 1962) and The Four Track Curriculum in Today's High Schools (Englewood Cliffs, Prentice Hall, 1964).

appointed retired Howard University President Mordecai Johnson to a seat vacated by a white man, making the Board composition four blacks and five whites. Not until 1967 did the judges appoint a black majority. Furthermore, the judges continued their practice of not reappointing members of the Board who were too vocal. Mordecai Johnson quickly became a major critic of the Superintendent and his tracking system and, much to the consternation of many black leaders, he failed to win reappointment.

In Hansen's final years, Board meetings became increasingly acrimonious, with members exchanging bitter personal attacks and angry citizens frequently filling the room and sometimes disrupting business. In 1965, the Board particularly angered black groups when, on Hansen's recommendation, it appointed as Assistant Superintendent for elementary education a white principal who had pioneered in the development of the Superintendent's tracking system and the basic education program. The post was previously one of the few in the upper administration of the schools held by a black person. Mordecai Johnson voted against renewal of Hansen's contract in 1965, and another black Board member abstained. When Hansen's contract came up for renewal again in 1967, the Board voted to renew it by the smallest possible margin, five to four. To protest Hansen's reappointment, school activist Julius Hobson led a boycott of schools on May 1, 1967, but only a few hundred children stayed away. 64/

Against this backdrop of an ever larger black majority in the schools and growing protest over the quality of education, Congress continued its active involvement in school affairs, and debated again and again proposals to change the structure of school governance. Unlike the interminable debates of the pre-war decades, the post-war consideration of school governance and of other school issues divided along liberal-

64/ Afro-American, March 21, 1964.

conservative ideological lines, and more and more came to be seen as part of the larger issues of civil rights and home rule for the District.

School Governance and the Quest for Home Rule

The modern movement for self government in the District dates from the post-World War II period, and grew out of two major developments. First, the rise of the modern civil rights movement at the very moment when Washington became a majority black city made voting rights for the District a part of the national civil rights agenda. Secondly, the federal payment to the District, authorized by the Organic Act of 1878 which eliminated all self-government for the District, had fallen steadily. The 1878 statute fixed it at half of the District's budget; the figure was lowered by law in 1921 to 40%, and the fixed formula was abandoned altogether in 1925. Thereafter, it dropped steadily, accounting for only 8.5 percent in 1954, the lowest point. 65/ With the federal government providing so small a share of the costs of operating the District government, many citizens who had complacently accepted Congressional rule began to advocate self-government.

After 1949, in nearly every session of Congress someone introduced a home rule bill. Four times during the 1950s and again in 1960, the Senate passed a home rule measure but the House District Committee, dominated by Southern segregationists and chaired by John McMillan of South Carolina, never permitted a home rule bill to reach the floor. In 1960, 206 congressmen signed a discharge petition, only thirteen short of the total needed to remove the bill from McMillan's committee. 66/ John F. Kennedy

65/ U.S. House Committee on the District of Columbia, Federal Payment Formula: Hearings and Markup on H.R.7558 and H.R. 7845 (Washington: Government Printing Office, 1980), p. 225; Blauch and Powers, Education in the District, pp. 14-15; Martha Derthick, City Politics in Washington, D.C. (Cambridge: Jont Center for Metropolitian Studies, 1962), pp. 149-151.

66/ Dennis J. O'Keeffe, "Decision-Making in the House Committee on the District of Columbia," (PhD dissertation: University of Maryland, 1969), pp. 75-79, 111-135, 271-279; Derthick, City Politics, pp. 176-178.

and Lyndon B. Johnson both strongly supported home rule for the District. In the unusually liberal Congress of 1965 and 1966, home rule supporters successfully circulated a discharge petition and got the issue to the floor of the House for the first time. However, instead of passing a home rule bill, the House passed a bill calling for the election of a commission to write a home rule charter and bring it back to Congress for approval. Many home rule leaders opposed this plan, recognizing that the charter would almost certainly be too liberal for the next Congress. The House and Senate bills were never reconciled in conference committee, and the measure died again.

The question of school governance became increasingly tied up with the question of home rule. A home rule bill submitted by Congressman James Auchincloss in 1948 called for payment of Board members, who would be popularly elected, and a greater role in school affairs for a proposed City Manager, who would participate in Board of Education meetings. The Superintendent, instead of the Board, would have final authority on personnel matters, and non-teaching personnel would be placed under federal civil service jurisdiction. The appointed Board of Education opposed the plan. 67/ In 1951, Senators Estes Kefauver and Robert Taft introduced a home rule bill that included provisions for an elected Board of Education. The Board strenuously objected to a provision of that bill that would have permitted an elected City Council to override decisions of the Board of Education. 68/

The following year, a new flurry of interest in the method of appointment of Board Members occurred when a newly-appointed Board member charged that the schools were becoming "socialistic" because they were providing services like school lunches which properly belonged to parents. Two members of the Board of Commissioners responded by calling for appointment of Board members by the Commissioners, and a district court judge who had served previously as Governor of Minnesota declared that the appointment of Board members by the judges violated the

67/ Star, January 28, 1948.

68/ Post, Decembr 9, 1951.

separation of powers. The Post, already an avowed supporter of home rule, called for election of the Board. 69/ In May of 1953, the District Congress of Parents and Teachers polled its members and announced that they had voted decisively in favor of an elected Board of Education. 70/

The debate continued sporadically throughout the rest of the decade. In 1956, the judge who headed the Board selection committee suggested that the job of appointing members be transferred to the Commissioners. During the summer of the following year, a Senate subcommittee chaired by Senator Joseph Clark heard testimony regarding the place of the schools within a home rule government. Five Board members testified that the Board should be given more autonomy than it presently had, including power to borrow funds for a school construction program, but the Commissioners opposed this idea. 71/

The 1960s saw an increased interest in District education problems on the part of federal officials. In 1963, Representative Fred Schwengel, a Republican from Iowa, proposed a Board with ten members elected from geographical election districts and the eleventh member selected by Congress. The Board would have fiscal independence of the Commissioners, and would receive payments from Congress based upon a formula that calculated the amount of federally owned land in the District and the value of the buildings on that land. 72/

69/ Post, October 6, 7, 1952.
70/ Post, May 18, 1953.
71/ Star, April 11, 1956, July 11, 1957; Post, July 12, 1957.
72/ Star, June 13, 1963.

In the liberal Congress of 1965 and 1966, when for a while home rule appeared imminent, the issue of school governance received an extraordinary amount of attention. The home rule bill sponsored by the Johnson administration called for the transfer of powers of the Board of Education to an elected City Council, which could in turn pass legislation establishing a new Board of Education. Superintendent Hansen attacked the proposal as "unprecedented in American education," arguing that an independent Board of Education should be mandated by the home rule act. Senator Peter H. Domenick proposed that there be an elected board with independent powers of taxation. The Senate-passed version of the home rule bill did include provisions for an elected Board of Education.

In the House, supporters of home rule concentrated on the petition to discharge the administration bill (which gave the elected Council authority to establish a new school governance system). As objections arose to the abolition of the Board of Education in the administration bill, discharge petition supporters and administration officials agreed to accept an amendment for an elected Board of Education. Even staunch opponents of home rule like Chairman John McMillan and Congressman Joseph Broyhill of Virginia announced that they now supported an elected Board of Education, although home rule forces feared that they were simply trying to use the elected school board as a sop to prevent complete home rule. In the fall of 1966, Representative Edith Green managed to attach an amendment for an elected school board with independent taxing powers to an education bill pending before the House Education and Labor Committee. Some home rule advocates feared the Green amendment might sidetrack the drive for home rule. Nevertheless, a new citywide organization headed by civil rights activist Rev. Channing Phillips formed that year to agitate for an elected Board. 73/

73/ Post, June 6, 10, 28, 1965; Star, September 12, 1965.

Earlier the same year, school activist Julius Hobson filed suit against the school system. Although the case of Hobson v. Hansen is best known for Hobson's attacks on the tracking system and unequal per pupil expenditures, a major contention of Hobson's suit was that the appointment of the Board of Education by the judges of the court was illegal because it placed the Court in a conflict of interest when hearing suits against the schools. Hobson named the judges of the District Court as defendants in the suit, and therefore the case was heard by Judge J. Skelly Wright of the U.S. Court of Appeals instead of by a District Court judge. Nonetheless, Hobson failed to get the court to declare the appointed school board illegal. Still, criticism of the court-appointed Board became so intense that the judges of the U.S. Court of Appeals and the District Court voted unanimously in June of 1967 to ask Congress to relieve the court of responsibility for appointment of Board members. Noting that the method of appointment "has become an extremely controversial question among citizens of the District," and that it "is now a very sensitive political question, not in the party sense but in the broader sense," the judges stated that "they should not be required to act in this political field." 74/

The following September, a lengthy study of the District schools by A. Harry Passow presented, once again, many of the traditional criticisms of the Board of Education, and some new ones that reflected the racial tensions of the day. It reported that a survey of community attitudes "disclosed a lack of confidence in the Board of Education, the school administration and the school 'power structure' generally," and indicated that "the pending proposals for an elected Board of Education have merit, providing that there are methods for persuading qualified high-caliber candidates to campaign and run for office." The Board, Passow asserted, "operates intuitively, not from clear analysis of policy regarding its responsibilities and functions." It called upon the Board to "distinguish between policy ... and administrative actions" and warned

74/ Star, June 3, 1967.

that "the present Board membership has developed a style of behavior and a view of their assessment and mandate ... that could bring it into direct conflict with the new Superintendent." 75/ Although by 1967 the press and most public officials had come to see the school governance problems of the District as outgrowths of racial tensions and the absence of home rule, Passow correctly pointed also to those features of the school governance system that encouraged conflict because of ambiguous or divided authority.

Decentralization and Community Control

Beginning in the mid-1960s, many people involved with big city school systems in the United States started to advocate decentralization and community control. Although true delegation of powers to community school boards never occurred in Washington, decentralization and community control became major issues in school governance in the nation's capital in the decade from the middle 1960s to the middle 1970s. Many activists and school reformers saw in the decentralization of school governance authority an answer to the growing problems of an overwhelmingly black school system.

Planning for the first experiment in community control in Washington began during the Kennedy administration. Attorney General Robert Kennedy and a number of local activists concerned about the failures of Washington's low income schools began planning for a Model School Division which would be largely independent of Superintendent Hansen and the Board of Education. This division would experiment in non-traditional approaches to ghetto education, combining specially selected staff, new educational methods, and a variety of social services for children in the community. Out of this idea grew the Cardozo Model School Division, established by the Board of Education on June 17, 1964. Originally funded by the Office of Economic Opportunity and administered through the United Planning Organization, the division remained under

75/ A. Harry Passow, Toward Creating a Model Urban School System: A Study of The Washington, D.C. Public Schools (New York: Teachers College, Columbia University, 1967), pp. 171-180.

an Assistant Superintendent appointed by Hansen, and it failed to establish significant independence from the central school administration. 76/

A second experiment in community control began a few years later at Morgan School in the Adams-Morgan neighborhood of Northwest. There, a highly active neighborhood organization agitated for a local board with broad powers. In May of 1967, the Board approved plans for shifting substantial control over Morgan School to an elected neighborhood Board. The following year, the local Board proposed that the Board of Education increase its independent powers, a proposal that the D.C. Corporation Counsel declared illegal because "public officials or bodies may not, without statutory authorization, delegate their governmental functions." The Board of Education split over the wisdom of dividing authority with local schools in this way, but eventually voted to expand the power of the Morgan Board anyhow. In 1969, a second board, for the nearby Adams School, was elected. 77/

A third major initiative in local community control, the Anacostia Community School Board, originated in the Johnson administration. President Johnson was anxious to develop a bold new experiment in urban education, and instructed his aides to develop such a plan, possibly in the District of Columbia where federal influence was

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76/ Larry Cuban, "Reform in Washington: The Model School Division, 1963-1972" (U.S. Department of Health, Education and Welfare, Office of Education, December, 1972); George R. LaNoue and Bruce L.R. Smith, The Politics of School Decentralization (Lexington, MA: D.C. Heath, 1973), pp. 95-96; Carol Knowlton and Marjorie Gallman, eds., "Decentralization and Community Involvement in the Public Schools of the District of Columbia" (Washington: League of Women Voters of the District of Columbia, 1970), pp. 2-3.

77/ Lanoue and Smith, Politics of Decentralization, pp. 96-102; Paul Lauter, "The Short, Happy Life of the Adams-Morgan Community School Project," Harvard Educational Review, 38, 2 (Spring 1968), pp. 235-262; Knowlton and Gallman, eds., "Decentralization and Community Involvement," pp. 5-7.

strongest. The plan called for the election of individual school boards and an area board for a neighborhood encompassing eight elementary schools and three secondary schools. Superintendent William Manning largely followed instructions from the U.S. Office of Education in preparing plans for the project, which President Johnson announced in a public message on the District of Columbia on March 13, 1968. Although Johnson sought an initial appropriation of $10 million, Congress balked and cut it to one million. Despite an intensive organizational effort in the community, participation in the first community school elections proved disappointingly low. 78/

The Passow Report, released in September 1967, proposed community control and decentralization as the centerpiece of a "model urban school system." Passow recommended the establishment of eight Community Boards of Education, each with a Community Superintendent selected by the Community Boards from a list of candidates submitted by the Superintendent and approved by the central Board of Education. The Community Boards would have substantial authority:

> Jurisdiction of the Community Board of Education should cover: setting policies that do not conflict with central school board rules; advising the local superintendent of community sentiment towards the school program and needs of the district; consulting on the budget for the local district; helping select personnel for the schools within its jurisdiction; approving appointment of new principals and area educational officers. In sum, the Community Board of Education should be responsible for the operation of the educational program locally. Its relationship with the

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78/ LaNoue and Smith, Politics of Decentralization, pp. 102-108; Mark R. Arnold, "Public Schools," in Sar Levitar, ed., The Federal Social Dollar in its Own Back Yard (Washington: Bureau of National Affairs, 1973), pp. 46-48.

> District of Columbia Board of Education might be modeled after that of the local school districts and the state boards, the former responsible for local operation, the latter having overall responsibility. 79/.

A special Executive Study Group, formed to evaluate and plan implementation of the Passow Report, endorsed the Passow decentralization plan in June of 1968. The following September, in a statement of the Board of Education, Superintendent William Manning indicated his personal support for decentralization and local control. 80/ Thus, by the end of 1968, even as an experiment in community control in the Oceanhill-Brownsville section of New York City became the focus of a major teacher strike and a bitter community split, in Washington community control experiments were moving without major opposition.

The New Federal Involvement in the District Schools

The presidential initiatives in the Cardozo and Anacostia projects reflected a general tendency of federal officials in both the executive and legislative branches to view Washington's education problems as manifestations of the great domestic issues of the day — civil rights, poverty, and the problems of the cities. Both branches, therefore, became increasingly involved in the city's schools in ways they would not have before desegregation. Congress had, of course, controlled appropriations for the schools since 1874, and Congress had always legislated for the schools. Sometimes a member of Congress might exhibit an unusually expansive interest in the content and methods of education, as, for example, Congressman Thomas L. Blanton did in the mid-

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79/ Passow, Model Urban School System, pp. 159-161.

80/ Executive Study Group for a Model Urban School System for the District of Columbia, "Report on Decentralization," June 26, 1968, pp. 9-12; William R. Manning, "A Position Paper on Decentralization and Local Control," September 18, 1968, copy in Resource Information Center, D.C. Public Schools.

1930s when he accused the schools of going communist, attached a rider to a school appropriations bill prohibiting the teaching of communism, and demanded that the Board tell him how many of its teachers had studied at that hotbed of communism -- Columbia University.

Congressional involvement of this sort in the content and methods of District education, aberrant before 1954, became commonplace afterwards, however, as school desegregation, the post-Sputnik concerns with education and proposals for federal aid to education made education issues matters of federal policy. Even the Presidents, who had not previously shown much interest in the local schools, became involved. Eisenhower insisted that school desegregation in the nation's capital in the fall of 1954 go off smoothly, but otherwise left the schools to others. The Southern-dominated House District Committee, anxious to discredit desegregation, conducted a notorious, sensationalistic, and grossly distorted hearing on desegregation in the capital's schools, and distributed materials from its report in the South to encourage resistance to the court order.

In the 1960s, as liberal attention shifted to the quality of education in ghetto schools, Washington's schools received more than their share of notoriety in the federal government, as illustrated by Robert Kennedy's role in the Cardozo Model School Division, and the involvement of Johnson Administration officials in the Anacostia Project. Johnson followed local school affairs closely. For example, his assistant for District Affairs wrote him a memorandum on the day of Hobson's school boycott indicating that it had not been very successful, and administration officials sought to influence the selection of a Superintendent to replace Carl Hansen. 81/

81/ Summary of papers on District education in LBJ Library, Austin Texas, in Post, April 27, 1972.

At the same time, liberal members of Congress also showed keen interest in local school affairs. In 1965 and 1966, a subcommittee of the House Education and Labor Committee held hearings on the District schools and their relationship to poverty, taking up such matters as the tracking system and student educational achievement. The subcommittee was chaired by Congressman Roman Pucinski of Chicago, but the full committee was under the leadership of Adam Clayton Powell of New York. According to Julius Hobson, Powell arranged for the investigation in order to gather data for use by Hobson in his suit. 82/

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By the end of 1967, despite the failure of home rule legislation, there was a growing feeling in Washington that something had to be done both about school governance and the governance of the District generally. With home rule dead for the moment, President Johnson in 1967 used his powers of executive reorganization to abolish the Board of Commissioners and replace it with an appointed Mayor and Deputy Mayor, and an appointed City Council. Quite simply, Johnson wanted to place a majority of black officials in charge of the local government, and put into place the office of Mayor and the City Council, which could later be made elective. Congress had the authority to veto the reorganization plan, but did not do so. Johnson appointed Walter Washington as Mayor and a black majority of the new City Council.

82/ Transcript of interview with Julius Hobson, 1968, Civil Rights Documentation Project, Moreland-Spingarn Research Center, Howard University; see also U.S. House Committee on Education and Labor, A Task Force Study of the Public School System in the District of Columbia as It Relates to the War on Poverty (Washington: Government Printing Office, 1966).

The following year, Congress finally passed legislation providing for the election of an eleven-member Board of Education, but with no more fiscal independence than its predecessor. Taken together, the two changes represented a clear step in the direction of home rule, but did nothing to resolve the traditional problems fostered by division of school governance. As racial issues and the struggle for home rule declined in importance, these traditional conflicts reemerged among the traditional actors.

The Mayor, The Council and the Elected Board of Education, 1969 to the Present

The establishment of an elected Board of Education was widely regarded as a first step toward home rule, and many people believed that an elected Board would have an easier time addressing the difficult question of what to do about the city's schools. In fact, the elected Boards, representing diverse constituencies, proved to be just as divided as their recent appointed predecessors. Julius Hobson won election to the Board in 1969 as an at-large member, and sought unsuccessfully to win the Board presidency. As leader of a minority faction on the first elected Board, Hobson frequently attacked the Board majority. Hobson failed to win reelection, however, and although dissension and conflict continued, it became increasingly difficult to identify any permanent ideological basis for the factionalism. Nonetheless, emotions ran high at Board meetings, police had to be employed to keep order, differences among Board members routinely appeared in the press, and commentators and editorial writers periodically condemned the behavior of the Board in the harshest terms.

A Return to Conflicts of Divided Authority

The elected Boards, like their appointed predecessors, clashed frequently with the Superintendent. The last appointed board had hired William Manning to replace Carl Hansen. The elected Board, after working with Manning for about a year, relieved him of his duties and appointed Hugh Scott, the first black person to hold the position on a permanent basis. (Benjamin Henley had held it twice as Acting Superintendent.) Scott almost immediately found himself in conflict with several Board members, particularly Board President Anita Allen, and declined to seek reappointment at the end of his three year term.

The Board then appointed Barbara Sizemore and fired her two years later after a highly publicized and acrimonious "trial" in which a Board majority presented its charges against her. Vincent Reed became acting and then permanent Superintendent, serving for five years and winning strong support from the press and the public. During his last year the daily press reported growing tension between him and the Board, and in December of 1980 he announced his retirement, complaining that he found it difficult to work with the Board. His announcement sparked a furor, with some people demanding the recall of the entire Board and others a return to an appointed Board.

The old conflict between the Board of Education and the Commissioners quickly reappeared as a home rule conflict between an elected Board of Education and an appointed Mayor and Council. Two legal memoranda, written for Board members just as the elected Board assumed office, anticipated the statutory and legal questions that would soon pit the Board against the Mayor and the Council. One was prepared by the Law Center for Constitutional Rights for use by the entire Board, and the other by the Urban Law Institute at the request of Julius Hobson. Both pointed out that the election of the Board did not alter its relationship to the rest of the government or to the previous appointed Board, but the Law Center memo called upon the Board to stretch its legal authority to the fullest:

> As the only segment of the government which is truly community based the Board of Education constitutes the seeds of self-government for the District. In debate on the bill to establish an elected Board, Chairman of the House District Committee McMillan stated, "This would give initial experience to our District citizens in administration, authority and responsibility and this also contributes to pride and direct involvement." This unique role of the Board can and should be utilized as a most persuasive argument when it is seeking increased independence in its legally assigned task of running the educational system of the District.

The Law Center memo went on to suggest, prophetically, several areas where the Board might assert greater independence from the city government. It urged the Board to challenge an opinion of the Corporation Counsel transmitted on December 18, 1968 that as a part of the District government the Board "does not have the power to retain independent legal counsel." The memo noted that in October, 1968 the old Board had requested authority from the District government to reprogram all funds appropriated from the schools without "review or approval by any other authority," and urged the elected Board to continue to seek this power. It also suggested that it was not legally necessary for the Board to submit requests for federal or private grants to the District government for approval, and argued that the Board had explicit legal authority to receive and spend privately donated funds. 83/

During its first year the elected Board seemed to get along pretty well with the appointed Mayor and Council, who themselves were starting only their second year in office. An editorial in April in the Star noted that the "City Council's swift approval of amended budget requests submitted by the District school board the other day was a step of some significance toward an increase of the school board's powers." Noting that some Council members had misgivings, the Star suggested that the Council made the right decision because the School Board ought to have "a reasonable degree of discretionary authority" as a body elected to carry out the public's will. 84/ The Board also quickly won from the Council the duty of developing its own building program to be submitted to the Bureau of the Budget, and informed the Director of the District Department of General Services that it would veto any design for school

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83/ Law Center for Constitution Rights, "Powers of the District of Columbia Board of Education," memorandum, 1969, and "Preliminary Memorandum to Julius Hobson from Urban Law Institute, George Washington University, January 28, 1969 on Power and Authority of Board of Education," copies in Research Information Center, Public Schools of the District of Columbia.

84/ Star, April 8, 1969.

construction if priority were not given to black architects. Commenting on this action, a Star reporter stated that the Board "thus continued to show the power of popular mandate." 85/

In March of the first year, the Board took up the question of what to do with nine shares of IBM stock which had been donated anonymously to the schools. The Board voted to use the money for the education of the children of the Cardozo High School assistant principal who had been shot and killed at school. The Board first sought a ruling from the Corporation Counsel, who responded by saying that the shares should be turned over to the D.C. government. In September, in defiance of the Corporation Counsel's ruling, the Board voted to place the proceeds in a trust account "beyond the reach of the District government," hoping to make the issue a test case of the Board's authority over gifts.

The relatively good relations between the Board and the Council did not last long. In March of 1970, the Council changed the fiscal 1971 school budget, an act which Board President Anita Allen called "an infringement on Board prerogatives to set educational policy." She announced that the Board would appeal "to the mayor to veto the budget to permit the Board to establish policy and run the school system." The Council made the changes on the recommendation of its Education Committee, chaired by Joseph Yeldell, who argued that the Council "laid off the budget last year to give the elected school board a chance, but this year they came back with more of the same ... so we decided to make some moves." He later told a reporter that "the Board has been

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85/ Star, April 26, 1969.

so busy bickering among themselves that the system is in complete disarray," and insisted that the Council "can't continue to throw dollars down the drain just because it's an elected school board and we're appointed." 86/

The Mayor supported the Board and vetoed the budget, only to have the Council override his veto unanimously. This sparked angry remarks from one Board member who said that the problems of the schools "can be laid at the door of the District government" and who criticized the Council for "dabbling in school affairs." Board President Allen urged the Mayor to send the Board's budget, instead of the Council's, forward to the federal government, and threatened to sue the District government if the Council's changes were not reversed. Later that spring, Mrs. Allen appeared before a special subcommittee, chaired by Congressman John Dowdy of Texas, which was investigating the District schools. She asked Congress to limit the veto power of the Council over items within the school budget. Dowdy later invited the Board to submit proposals for Board budget autonomy, but the final report of his committee did not take up the matter. 87/

By 1971, the Board found itself in conflict with the Mayor, too, this time over the size of the school budget. In February, despite a contrary opinion by the Corporation Counsel, the Board voted to submit its budget request directly to the federal government because it thought Mayor Washington's proposed budget too low. The Board received legal support for its position from the law firm of Wilmer, Cutler and Pickering. 88/ The next year, a Congressional committee took up the school

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86/ Star, March 11, 1970; Post, March 11, 1970.

87/ Star, May 23, April 1, 1970; Post, March 31, June 16, 1970; Daily News, March 26, 1970.

88/ Star, February 19, 1971.

governance issue once again. The group, chaired by Congressman Ancher Nelson, recommended that the Council continue to review Board of Education budget proposals and determine the level of funding, but that the Board have final authority to determine how the available funds should be spent. The Commission also recommended that the Board and the Superintendent of Schools clarify their relationship and revise the Board's rules and regulations accordingly. 89/

In the Congressional elections of 1972, Congressman John McMillan of South Carolina lost his seat, and the chairmanship of the House District Committee went to Congressman Charles Diggs of Michigan. Under Diggs' leadership, the Committee held hearings on self-government for the District and developed a home rule bill. In the course of preparing a new form of government for the District, Diggs proposed that a Board of Regents, appointed by the Mayor and the City Council, be established with supervisory authority over the elected Board of Education and the city's public colleges. The Board of Education opposed the plan, but at least one former elected Board member, some members of the appointed Council, and others supported it because they disapproved of the conduct of the elected Board. Diggs eventually dropped the proposal. 90/ Meanwhile, the Board and Mayor Washington got into another big fight when, in October, 1974, the Mayor ordered the schools to cut 3.9 million dollars from their current budget to make up for a projected city-wide deficit. The Board promptly voted to refuse to make the cuts. 91/

89/ Report of the Commission on the Organization of the Government of the District of Columbia, August 17, 1972 (Washington: Government Printing Office, 1972), Vol. I, pp. 92-93.

90/ Star, January 22, May 29, 1974; Post, March 31, 1974; Afro, October 27, 1973.

91/ Post, October 12, 1974.

In 1974, Congress provided for the election of the Mayor and the City Council, and the first "home rule" government in the twentieth century took office in January of 1975. The Board of Education was no longer the sole elected body in the city, but the conflict between the Board and the city government continued unabated. In March of 1975, the Board requested that the Council transfer responsibility for all school construction, purchasing and maintenance from the D.C. Department of General Services to the school system. The move was widely regarded as a way to eliminate much of the Mayor's authority over school affairs. In September of the following year, the Board voted to sue Mayor Washington, who had imposed a hiring freeze on all unfilled city positions. The Board acted after the Corporation Counsel ruled that the Board was subject to the policies of the Mayor and the Council on personnel ceilings and expenditures. The freeze produced a savings of $1.8 million dollars which the Mayor refused to place at the disposal of the Board. The following month a D.C. Superior Court judge ordered the Mayor not to spend the funds until after the court made its determination. 92/ Finally, in an order rendered on September 7, 1978 in Evans v. Washington, Judge Belson ruled that the mayor had trenched upon the Board's fiscal autonomy as provided in the home rule charter.

Conflicts over the budget and the respective authority of the city government and the Board continued to crop up. In April of 1978, the Board announced that it would sue the city government to obtain detailed information on the cost of teacher pensions which it claimed the city would not make available. Later that year, City Council member Willie Hardy lambasted the schools for their shortcomings, announcing at a Council hearing that she might withdraw her children from the school system, in which case she would sue the school board to recover the costs. 93/

92/ Star, March 8, 1975, September 17, October 1, 1976.

93/ Post, April 20, October 7, 1978.

The election of a former school Board president, Marion Barry, as Mayor did not alleviate the conflict. In his first four months in office, he angered the Board first by appointing a task force to look at education, and then by attempting to intervene in a lengthy school strike that spring. Barry's task force reportedly called on him to name a Commissioner of Education of the District and to establish a District Office of Education, both of which the Board viewed as a threat to its authority. Barry's intervention in the school strike that year drew angry criticism from some Board members who said the Mayor was siding with the union. Later that year the Mayor again aroused the ire of the Board when he proposed that the schools receive ten million dollars less than they had the year before, arguing that enrollments had declined. 94/

In the meantime, Council Chairman Arrington Dixon formed a Council Task Force on Elementary and Secondary Education, chaired by Councilmember Betty Ann Kane, a former school board member. Kane's task force recommended a variety of measures giving the school board control over contracting and purchasing, and more fiscal autonomy. About the same time, another Councilmember, John Ray, held his own hearings on the public schools. 95/

In the 1979 school Board elections, Barry angered many of the incumbent Board members by endorsing a slate of candidates. Almost immediately after the new Board took office in January 1980, Barry found himself in a replay of the events that transpired in 1975 when Mayor Washington had frozen hiring in the schools and

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94/ Post, April 12, August 23, October 11, 1979.

95/ "Final Report of the Committee of the Whole Task Force on Elementary and Secondary Education," November 30, 1979; Post, July 11, 1979.

attempted to take back part of the schools' appropriation. Barry, confronting a large accumulated city deficit and a pattern of spending that year far beyond the city's budget, ordered all operating departments to reduce their current budgets. Again, the Board of Education refused, arguing that the Mayor did not have authority over money appropriated for the schools by the Council and Congress. Barry, like Washington, received a ruling from his Corporation Counsel saying that he did have that authority, but also took the precaution of including the proposed cut in the school budget in a supplemental appropriations request to the Council and Congress. In April the Board voted to sue the Mayor for "meddling in school affairs," arguing that the Mayor's refusal to order certain supplies authorized by the Board and the freeze he imposed on school employees transcended his authority. 96/ Major differences between the Board and the Mayor over the school budget in the following year exacerbated the rift.

In response to the escalating conflicts and the realities of the city's financial crisis, various proposals came forward for a change in the structure of school governance, particularly as it affected finances. The Mayor established a Committee on Public Schools to "examine intensively and extensively the fiscal needs of the public schools." The Board of Education in March of 1981 passed a resolution calling for the establishment of a Commission on School Finance. Various proposals to insure adequate funding of education and minimize Board conflict with the city government came forward. And in April of 1982, Councilmember John Ray, while campaigning for Mayor, called for the abolition of the Board of Education unless substantial progress in the schools occurred soon. 97/

96/ Star, January 25, March 17, April 17, 1980; Post, January 26, 1980.

97/ "A Resolution for School Finance as Amended in the District of Columbia Public Schools," adopted by the Board of Education, March 18, 1981; Mayor's Committee on Public Schools, "Report to the Mayor" (District of Columbia Government: Office of Budget and Resource Development, June 20, 1981); Post, April 1, 1982.

The Decline of Community Control

The era of the elected school board began with strong community support for decentralization and community control. Although the various experiments in community control remained somewhat controversial and failed to produce broad community participation in the schools, and despite the abrupt termination of federal support for the Anacostia project in 1971, many school officials and Board members expressed at least rhetorical support for the concept. Nonetheless, a number of factors helped to dissipate the movement for community control.

First of all, the advent of an elected Board of Education, with one person responsible to the electorate of each ward, tended to give community activists new access to the Board and, through it, to the school administration. Ward members of the Board became avowed advocates for the schools in their wards, and increasingly performed the traditional "case work" functions of legislators, handling citizen complaints about their schools.

Secondly, concern with equal per pupil spending replaced community control as the liberal panacea for school problems. In 1971 Judge Wright, in Hobson v. Hansen II, issued an order requiring that the money spent per child on teacher salaries be roughly equal in each elementary school. A major study of school decentralization in the United States in 1973 noted that demands for equalization began to replace decentralization as the major reform strategy in Washington, and that "strong central authority in the school system seems necessary to implement the requirements of equalization in funding." Superintendent Hugh Scott reflected this line of thinking when he announced his opposition to community control shortly after assuming office: "I don't support having local school boards across the city," Scott said. "I don't want enclaves of weakness and strength where the strong get stronger and the weak get weaker." 98/

98/ LaNoue and Smith, Politics of Decentralization, p. 108.

Barbara Sizemore, Scott's successor, convinced that in grass roots citizen participation in the schools lay the key to educational success among low income black children, advocated the decentralization of the school administration initially into six and eventually into twelve regions, each with a Regional Superintendent. The Sizemore plan called for the establishment in each school and region of PACTS, an acronym for Committees of Parents, Administrators, Community representatives, Teachers and Students. Before her dismissal by the Board in 1975, Sizemore piloted the PACTS plan in the area of the city surrounding Spingarn High School, and she established the six regions. 99/

Under Vincent Reed, the school system turned away from political strategies like community control as the means of improving student achievement and embraced instead a highly structured competency-based curriculum. The Board did vote to establish advisory Neighborhood School Councils in 1976, and the regional structure remained until 1981, when the number of regions was reduced from six to four in an effort to reduce administrative costs. By that point, decentralization had lost virtually all of its force as a political issue, and hardly a word of protest was uttered. 100/

99/ District of Columbia Public Schools, Decentralization (April, 1974), p. 1; Public Schools of the District of Columbia, PACTS: ESEA Title III Evaluation, Final Report, Region III (Division of Research and Evaluation, D.C. Public Schools, 1976); Barbara A. Sizemore, The Ruptured Diamond: The Politics of Decentralization of the District of Columbia Public Schools (Washington: University Press of America, 1981).

100/ District of Columbia Public Schools, Assessment of the Neighborhood School Councils and Other Organized School/Community Groups, September 1979 Through April 1980 (Division of Research and Evaluation, District of Columbia Public Schools, June 1980).

Congress, the Courts and the Schools

The years since the advent of an elected Board of Education have witnessed two other major changes in school governance — a declining involvement in the schools by Congress, and an increasing involvement in them by the courts. Since the end of the Territorial government in 1874, Congress had annually set the school budget item by item, and had legislated for the schools. As we have seen, after desegregation Congress became increasingly interested in the educational program of the schools. With the advent of home rule, however, the Congressional involvement in the schools declined considerably, as the traditional Congressional responsibility for the school budget and for some legislative matters affecting the schools shifted to the City Council.

In 1970, just after the establishment of the elected Board and before the establishment of an elected city government, Congressman John Dowdy of Texas held hearings on the D.C. schools and issued a report which dwelled on administrative shortcomings, violence and student discipline problems. The report complained that the system's administrators "appear to sink only deeper into its quagmire of ineptness and lethargy, a stumbling, floundering and bumbling giant."[101/] The report was the last of its kind, however. Since partial home rule began in 1975, although members of Congress have reviewed the school budget they have thus far tended to leave education issues largely to the Board of Education, the Mayor and the City Council.

101/ U.S. House Committee on the District of Columbia, Investigation and Study of the Public School System of the District of Columbia (Washington: Government Printing Office, 1970).

The courts, on the other hand, have shown increasing inclination to intervene in the details of school operation. The courts had always heard suits against the schools, often brought by teachers challenging some personnel procedure. In 1954, in the celebrated case of Bolling v. Sharpe, the U.S. Supreme Court ordered the end of the dual school system in the capital. Only with Judge J. Skelly Wright's 1967 decision in Hobson v. Hansen did the courts begin to rule on specific matters of budget, curriculum and administrative procedure, however. Hobson v. Hansen struck down the tracking system, ordered abolition of certain "optional" attendance zones, and ordered the busing of children in overcrowded schools to underenrolled schools in Ward Three. In 1970, Hobson returned to court, however, seeking equalization of per pupil expenditures in each elementary school. Judge Wright again ruled in Hobson's favor, requiring that per pupil expenditures for teacher salaries be equalized within plus or minus five percent. Wright ordered the Board to file annual reports showing that the equalization order was being implemented. Compliance necessitated substantial annual teacher transfers to insure that each school had an equal mix of higher and lower paid teachers. In 1977, the court modified the order so that teacher-pupil ratios instead of teacher salaries could be used as the basis for demonstrating compliance with the court order. The 1977 amended order was to remain in effect for ten years, during which time the Board had to continue to provide the court with specified information. 102/

The court demonstrated similar willingness to intervene in daily school operations in the case of Mills v. Board of Education. The suit was filed on behalf of seven

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102/ Hobson v. Hansen, 327 Federal Supplement, May 25, 1971, pp. 844-864; Julius Hobson, Jr., "Educational Policy and the Courts: The Case of Washington, D.C.," The Urban Review, 10,1 (1978), pp. 8-11; Em Hall, "On the Road to Educational Failure: A Lawyer's Guide to Tracking," Inequality in Education, Number 5 (Harvard Center for Law and Education, June 30, 1980), pp. 3-4.

children to whom the schools had denied admission or had dismissed because of mental retardation, emotional and behavioral problems. Judge Joseph Waddy ruled in 1972 that the schools had denied the children equal educational services and due process, and since that time the Court has maintained jurisdiction over the system's plan for handicapped and exceptional children. Judge Waddy ruled that no child could be excluded from school unless the child was provided a satisfactory alternative educational program and a proper hearing and review of his or her case. In 1975, Judge Waddy found the Board in contempt of the court order, and appointed a "master" to oversee special education procedures and programs in the District. Judge Waddy lifted the order appointing a "special master" in 1977 when he approved the Plan for the Education of Handicapped and Exceptional Children in the District of Columbia. 103/ The court decisions in Hobson v. Hansen and Mills, although in no sense unique to the District, greatly expanded the role of the judiciary as an agent of school governance.

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By 1982, fourteen years after the start of the elected Board of Education, issues of civil rights and home rule no longer infused school governance questions to the extent that they had just a few years earlier. Although the federal role in the District's schools had declined and the Board of Education had gained greater autonomy than it had ever enjoyed before, authority over the schools remained divided, and conflicts between the key actors continued. The schools had tried to improve student achievement through a variety of governance and finance schemes — community control, decentralization, equal per pupil spending and greater financial autonomy for the Board among others — but there was a growing tendency to ask whether any of these changes in school governance, or others that were proposed periodically, affected student learning positively. And it was clear that major disruptions in the

3/ Hobson, Jr., "Educational Policy," pp. 11-12; Mills v. Board of Education, Civil Action No. 1939 - 71, Court's Decree, July 30, 1975.

administration of the system, caused by rapid turnover in the superintendency, major budget cuts, transfer of teachers to meet court-ordered equalization, and the like, had a negative effect on classroom instruction.

The History of School Governance in the District: Implications for Public Policy

Washington's system of school governance has been the subject of lively and often heated debate since the middle 1960s, and there are no signs that the debate will diminish soon. Since the advent of the elected Board of Education in 1969, there have been calls for more Board autonomy, greater authority for the Mayor over the schools, abolition of the Board of Education, establishment of an appointed Board of Regents to oversee the elected Board of Education, and return to an appointed Board, among others. Such proposals are put forward in a time vacuum, without any reference to the experience of this city, or other cities, with other forms of school governance. Any serious consideration of proposals for changes in school governance must begin with an examination of the historical record, from which certain points stand out.

First, discontent with the city's school governance system has been strongest in periods of social change and social tension, when the schools were in the forefront of public concern. The establishment of a separate system of black schools during the Civil War, under the Secretary of the Interior rather than under the local governments, grew out of the tensions of the war, and in particular the well-founded distrust many Republicans in Congress had for the Southern-oriented governments of Washington and Georgetown. The subsequent struggles between the local governments and Congress over the appropriate share of funds to be spent on black schools reflected Southern white reaction to the end of slavery and the civil rights legislation of the Reconstruction period, and also the difficulties imposed upon Washingtonians by the city's massive growth during the Civil War. That growth permanently changed the city, and it imposed severe financial strains upon taxpayers for street construction and other public services on a limited tax base.

In the twentieth century, public discontent with the system of school governance has been strongest in the years just before enactment of the Organic Act of 1906, just before Frank Ballou's appointment as Superintendent in 1920, between the end of World War II and the 1954 Supreme Court desegregation order in Bolling v. Sharpe, and since the middle 1960s. Although in the first of these periods discontent stemmed largely from the conduct of the Board and the political influence of the Commissioners on the schools, all the other periods witnessed major social changes that underlay public discontent. In the years after World War I, the schools felt the effects of a massive enrollment increase, especially in the white schools, and declining appropriations for schools. After World War II, the schools experienced the same phenomenon, but the growth in enrollments occurred almost entirely in the black schools. Moreover, the schools in that period had to confront the growing black demands for equal treatment under segregation and for desegregation.

Since the mid-1960s the school governance system has had to adjust to increased black militancy and demands for improvement in the achievement of students, the movement for home rule in the District and, more recently, the financial crisis of the city, all in the aftermath of a massive enrollment increase in the twenty-five years before 1968. In each of these periods, the Board of Education faced severe criticism from the public for the manner in which it handled its work, criticism sometimes shared with the Superintendent and the city government. Although the criticism has most often pointed to petty fighting and factionalism among Board members, lack of decorum in meetings, inflated rhetoric, and the behavior of individual personalities, we must recognize that to some extent at least this sort of conflict manifests broader tensions in the city.

If turmoil in school governance tends to mirror larger social tensions, then it is unlikely that structural changes in the governance system will eliminate this turmoil. The shift from an appointed to an elected Board illustrates the point. Intensive public criticism rained down upon both the appointed and elected Boards that served in the late 1960s and early 1970s. The root cause for dissension did not disappear when the Board became an elected body, and therefore the behavior which many people found so inappropriate in the old Board continued in the new one. Furthermore, structural changes in school governance have never produced quick, discernable improvements in the schools or in social conditions, and constant administrative change has been positively harmful. We should therefore be very cautious in looking to major changes in the structure of school governance as a means of alleviating deep-seated social or educational problems.

Secondly, the conflict among the major actors in school governance, and especially between the Board of Education and the central city government, has been a continuous fact in Washington history. Although particular personalities have minimized or exacerbated the differences, this conflict stems primarily from the different roles each plays. The Commissioners, the Mayor and the Council each have had to consider the overall needs of the city. They have argued consistently that central control of all city functions leads to better management and that only the central city government can properly balance the needs of various city departments. The Board of Education, on the other hand, has argued that education is too important to be treated as simply another city department, and it has warned of the dangers of political control of the schools.

Many of the proposals put forward today to minimize the conflict between the current Board and the city executive have in fact been tried unsuccessfully. In 1885,

the Commissioners, after years of struggle with school trustees they themselves appointed, sought to relegate the Board to a purely advisory role, but they backed down after a public outcry. There is little reason to expect that a Board of Education appointed by the Mayor would not continue to have major differences with the executive branch of the city government over appropriations for education and possibly other issues. Furthermore, appointment of the Board by the Mayor would almost certainly lead to complaints about undue political influence over the schools similar to those that occurred so often between 1878 and 1906, when the Commissioners named members of the Board. The abolition of the Board and the appointment of a Superintendent by the Mayor, although never tried in Washington, is likely to result in even more severe criticism of political influence.

Nor does it appear likely that the precise authority of the Mayor, the Council and the Board can be legislated so clearly that there will be no room left for conflicting interpretations. So long as the Board of Education and the schools remain an agency of the city government with the central city government having overall responsibility for the school budget, some differences in interpretation of the law are likely to arise. The Board of Education has on numerous occasions challenged, often in court, rulings of the Corporation Counsel and decisions of the Commissioners or the Mayor over school expenditure questions, despite statutes that attempted to make explicit their respective areas of authority.

These continuing conflicts between the Board of Education and the city government have not served the city well, and it is very important for all parties involved to continue the search for mechanisms to minimize conflict. In fact, the elected Board has gained considerable autonomy over such matters as purchasing, building design, repairs and teacher compensation. These are not now issues of contention between the

city government and the Board. The major dispute now is over the level of appropriations for the schools. Although nothing will completely eliminate differences between the Board and the city government, agreement on some sort of regular formula for school financing is likely to minimize them greatly.

Thirdly, no matter how specific the statutes and Board rules defining the prerogatives of the Superintendent and the Board, differences are inevitable. No group of people will ever be able to agree where policy ends and administration begins. The three strongest Superintendents the system has had in the twentieth century — Frank Ballou, Carl Hansen, and Vincent Reed — secured their power through their skill in winning political support from many influential segments of the community, although Hansen started losing support in his last years. Each strongly shaped the system. A strong Superintendent does not guarantee progress, but a weak Superintendent or frequent turnover will almost certainly hurt the children. Although there is no simple or structural way to do this, it is important that the Board give the Superintendent the maximum possible control over the schools and that the community demand this of the Board. Whatever shortcomings our Superintendents may have had in the past, confrontation and criticism between the Board and the Superintendent has rarely been productive, and the rapid turnover in school leadership between 1967 and 1975 was positively harmful. Historically, a strong Superintendent has been the key to a school system with a clear direction and purpose.

Finally, in reviewing the history of school governance in the District one is struck by how few episodes in the saga of conflict actually resulted in improvements in the classroom. The governance structures are the easiest things to change in the school system, and the most remote from the children. It is not surprising, therefore, that discontent with the school system since the 1960s has brought forth a plethora of

schemes to improve education by altering the governance system. We should be wary of such easy solutions to complex problems. Changes in our school governance system may become necessary from time to time, but they should be made cautiously, with full knowledge of the system's turbulent history, and with realistic expectations about what they can and cannot do for the students.

THE D.C. HISTORY AND PUBLIC POLICY PROJECT

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